

Acceptance of County Road

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Agreements & Contracts

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Annual Reports

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Appointments

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Bids

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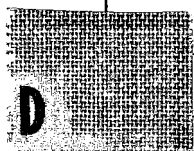
Bridge Projects

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Employment Changed

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Holiday Closures

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Lawsuits & Notice of Claims

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Monthly Reports

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Good Relief

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Request To Go Before Council

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Revolutions

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Reasoning

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Roads & Streets

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Schedule Meetings

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Telephone Requests

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Frame Requests

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Treasurer's Report

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MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 4, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 4, 1986 in the Commissioners' Hearing Room with President Robert Willner presiding.

Since it was the first meeting of the month, the meeting was called to order by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment. President Willner subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on Monday, July 28th, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

President Willner announced that Mr. Calvin Evans of the Local Assistance Division of the Indiana Department of Highways was scheduled to be on today's agenda. However, he had to meet with the Commission prior to the meeting as he had to leave for Vincennes. Therefore, he will not be present for today's meeting.

RE: PETITIONS RE PROPOSED RAILROAD UNDERPASS/UNION TOWNSHIP

The Chair recognized Mrs. Tom Cummings and asked that she approach the podium, identify herself and state the nature of her business.

Mrs. Tom Cummings approached the podium and said she resides at 7303 Seminary Rd. in Union Township. She said they had a meeting last Tuesday on the railroad underpass re alleviating problems with waiting on the railroad tracks to help gain support in getting people out of Union Township in case of emergencies. Since then they had about 3 1/2 days to get the petition going. One day was taken up in preparing the petition and getting copies ready. This left approximately 2 1/2 days to circulate the petition. She has counted approximately 539 names on the list. She personally received 190 names. Of the 190 names, there were only four (4) people who would not sign the petition. One didn't sign because he worked for Seaboard and didn't know what to do, so wouldn't sign it. Another was a gentleman from Kentucky, and he said it didn't make him any difference what Union Township did one way or the other. The third individual was a resident on the wet side outside of Union Township; he said he knows they've been fighting this for a long time and he thinks they can sign as many of those papers as they want to and still not get anything done.

Mrs. Cummings said that all of the residents to whom she spoke are in favor of "B" Street as the location for the underpass. But they foresee a lot of problems with the Nurrenbern Underpass. One, the railroad serves as a levee right now for the high water. If they put a hollow without floodgates at Nurrenbern, then it will be flooded worse than it already gets flooded. Secondly if they put up floodgates, the river comes up and leaves all the debris, which will come down through the duct. Thirdly, if you don't put up floodgates, the current washing underneath the railroad tracks will probably wipe out the road each year. So there will be problems with maintaining the road underneath the railroad tracks all the time. If it's inconvenient there at Nurrenbern, if they would have an emergency and need to get out, she would prefer to be closer to town than to be at Nurrenbern and have to drive through Howell and all the stoplights. This way--at "B" Street they are toward town and

there are perhaps four (4) stoplights (there's one at "B" Street she imagines; one at Ray Becker; one at Clairmont; one at Ohio Street and Mead Johnson and then you're on the expressway. If you go through Howell, you'd have to contend with the narrow Red Bank Rd. plus going through residential area of Howell. There's a cover letter from Continental Grain supporting the "B" Street underpass. There's also a note on one of the petitions from the County Farm Feed folks. They are customers of the feed product people and they wrote a little note on there about how disturbing it is for them to come down to get their grain when they have to open up at 9:00 a.m. and then get stuff on either side and be back at their place to open up their business by 9:00 a.m.

Mrs. Cummings said she thinks she's covered all the pros and cons of both sides.

President Willner commended Mrs. Cummings on her presentation and thanked her for the work she'd done. He said he doesn't believe the Commission had any problems with the "B" Street location. If anyone has any questions of Mrs. Cummings, they should feel free to ask them now. He said he attended the meeting last Tuesday and there were some 25-30 of the most knowledgeable people in the township present and they also expressed their interest in "B" Street. They also expressed their fears concerning Nurrenbern Road. The new school being built on Red Bank is going to cause some problems and they feel that "B" Street would be more advantageous to all concerned. He asked if the Commission wants another week to review the proposal (he believes the amount was \$1,700,000)? Would they like to take a vote concerning which avenue they wish to pursue?

Commissioner Cox queried Mrs. Cummings, asking if the group preferred an underpass as opposed to an overpass? Or, did it make any difference?

Mrs. Cummings responded that insofar as to whether it should be an overpass or an underpass, she is not sure. But "B" Street was the preferred location.

Mrs. Cox said she would like to have some input from the County Engineer regarding what we're actually going to get into insofar as construction of an underpass in the area. Her preference is Barker Avenue insofar as location is concerned; but the Commission didn't study that. However, we always have problems with Ray Becker Parkway flooding whenever we have a 1-1/2 inch rain and she thinks we need to look at that and get some good engineering guidelines. But it shouldn't take that much longer. This is certainly not meant to delay the project; it's meant to make a good project out of this. If this is really meant to be a good access road,, then we need to take a good look at this.

President Willner said that if Mrs. Cummings would like to be seated, then he will ask County Engineer Andy Easley to comment on this when his name comes up on the agenda.

RE: COUNTY ATTORNEY - DAVID L. JONES

The Chair recognized Attorney Jones and asked for his report. He said he has nothing to report at this time.

RE: COUNTY HIGHWAY BILL BETHEL

Weekly Absentee Reports/County Highway & Bridge Crew: Mr. Bethel submitted copies of the Weekly Absentee Reports for the County Highway Garage and the Bridge Crew for period July 28 thru August 1, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Work Report for the County Garage....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Yard, Dogwood, St. George, Millersburg and Bender

Paved: Finished Old State Rd. Now paving Reiter, DeShields and Ridgeview.

Patched: Short Mesker, Allen Rd., O'Hara Drive; shoulder on 3409 Old 460; Frontage Rd., Bartel, LaDonna, Walnut, Campbell, Berry Ct., Berry Dr. and Park.

Tree Crew: Old Henderson Rd. and 5686 Dogwood Dr.

Grader: Yard, Old Green River Rd., S. Weinbach, Ridgeview, Hillside Terrace, DeShields and Reiter.

Mower: Boonville-New Harmony and Red Bank Rds.

Trash Crew: Garage, Mt. Pleasant, Bayou Creek, Lynn Rd. and S. Weinbach.

Work Report/Bridge Crew: Submitted for the same period was the Work Report for the Bridge Crew, as follows:

The Bridge Crew cut weeds in the southwestern part of the county, cleaned the yard in back of the garage and hauled concrete beams from Highway 41 to the garage. The School Boys cut weeds on Moore Rd. and Darmstadt Rd.

Acceptance of Check/Motor Fuel Tax Refund: Mr. Bethel said that several weeks ago the County Attorney advised them re filing for a refund on motor fuel tax. they went to work on this and today he is presenting a refund check from the State in the amount of \$2,962.81.

President Willner entertained a motion to accept the check and endorse same for deposit into County Highway General Fund. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

President Willner advised Mr. Easley that he missed Mrs. Cummings' presentation re a Petition with some 539 names from Union Township, all in favor of the "B" Street location for the underpass access to Union Township. Were the Commissioners to approve "B" Street, Mrs. Cummings was wondering what the timetable would be. Commissioner Cox has questions as to whether it would be as low as Ray Becker Parkway or whether it would have to be pumped, etc. Could Mr. Easley address these questions?

Mr. Easley said that "B" Street is not that far south of Ray Becker Parkway and the rails are approximately level and the clearances we would have to have would be about the same as for Ray Becker Parkway. He said elevation would be similar to Ray Becker Parkway and he was told there is a pump on Ray Becker. We'd probably have to put a pump from "B" Street, if that is the location that was used.

Mrs. Cox said that on Page 2 of the report when it speaks to "B" Street alternate, it says that to drain this area is very difficult and costly and the two railroad underpasses make this alternate difficult to build from a construction standpoint due to the promise to maintain railroad traffic. She guesses when they looked at this, did they look at other underground structures -- sewer lines,, water lines, utility lines, etc., that is in there?

Mr. Easley said that "C" Street has a lot of underground utilities, etc. Where "C" Street had three short crossings to carry the rails; this one only has two underpasses. "B" Street

is more expensive insofar as carrying railroads, but it doesn't have the underground utilities. "B" Street has the potential to damage the residential properties more.

Mrs. Cox said she guesses the bottom line here is, if we know that with a 2 inch rain this is going to flood and it's going to be normal that it's going to flood -- that's to be expected. She's had a lot of people out on the west side and they all appreciate Ray Becker Parkway -- but it's certainly aggravating when you're used to driving a route and you have a flash flood and then find that route blocked and you have to go some other direction. If we know when we're building it that this is going to happen, then we need to let everyone know this and that it is going to have to be expected and it will clear out whenever the drains take it. She thought sure she read quite some time ago that we had an overpass,, also, at "B" Street. Mr. Willner said he thinks the overpass was at Nurrenbern Rd. In response to comment by Mrs. Cox, Mr. Willner said that Stinson was an underpass (they said an overpass would not work there). Mr. Easley said he does not believe they evaluated an overpass at "B" Street.

Mrs. Cox said the report says that the purpose of this study was to "insure an unrestricted flow of traffic to and from an industrial area generally located between the railroad and the Ohio River". Mr. Easley said he does not know where they got that phraseology.

There was further brief discussion concerning the proposal, after which Mrs. Cox said they did give us a proposal for an underpass and overpass at Stinson,, but they did not give us a dollar and cent proposal for the "B" Street alternative. They only gave us two underpass structures.

The Chair entertained further questions of Mr. Easley. There were none. Commissioner Willner then asked if the Board wishes to take action today, or would they like a week?

Mr. Easley said he would rather we evaluate the ramifications of the decision that is going to have to be made on that.

Mr. Willner asked if a week would suffice?

Mr. Easley responded that he believes a week would be sufficient.

Mrs. Cummings commented that with the overpass/underpass at Nurrenbern Road, if we put an underpass at "B" Street, the people from Hybrid Inn north still will be able to get out. The Nurrenbern underpass will not help anyone when the river is up. So if there's an emergency, they're just out of luck period. The people from Hybrid Inn north will still be able to get out. There are several homes up through there (she doesn't know how many, because she didn't take a count). But at least those residents would benefit from the "B" Street underpass.

Mrs. Cox said she doesn't think there is any question but that of the locations evaluated, "B" Street is the best location. The other Commissioners concurred. Commissioner Borries said that when you have a 2 inch rain you're going to have flooding everywhere and, certainly, we're going to have to acknowledge that there will be some flash flooding and drainage problems that would occur if you're going to have a 2 inch rain. But he would certainly agree that he thinks it would serve more people in an emergency situation if the underpass is at "B" Street.

Commissioner Cox said, "And since it is going to serve as a route for industry,, we ought to really take a hard look at the clearance of that underpass. A lot of people will be using it to get their boats down to the river, as well as the big grain trucks, etc. If it is not going to be high enough for them to get through, it certainly is not going to meet that need.

Commissioner Willner commented that he thinks we need to go the State limit.

Mr. Easley said the criteria is the interstate standard on clearance.

Mrs. Cox said that Ray Becker Parkway is not that tall.

Mr. Easley said he met with the project engineer and they agreed on what they would consider acceptable, because there could be heavy trucks hauling maximum loads. He referred the Board to Page 6 of the study,, where it says,, "Underpass vertical clearance 14 feet 6 inches" Table I. The railroad has their own clearance; they want 23 feet from the top of the rail to the low super structure on the overpass.

President Willner advised Mrs. Cummings that if anyone would like to be present when the decision is made, she might tell them that it will be made at 2:30 p.m. next Monday (August 11).

Mrs. Cox asked Mrs. Cummings if she will also take back to her a group a 14 ft. 6 inch clearance to see how that meets....."

Mrs. Cummings interjected a comment,, but it was inaudible. However, she indicated she didn't foresee any problem with the 14 ft. 6 inch clearance for boats on trailers, at least the standard sized pleasure boats. She doesn't know about houseboats.

President Willner said we'd leave the other grade at Clairmont in there, so if anything is out of the ordinary, they'd just have to waive the trains. No problem with that. There's no reason to take Clairmont away, just because you're going to do it at "B:" Street. Mr. Easley agreed. Mr. Willner said we'd leave the grade crossing at Clairmont there, so if an individual had a 22 ft. high houseboat and they had the State's permission to move it, they could use the grade crossing on Clairmont rather than the underpass.

Request for Acceptance of Portion of Vogel Road: Mr. Easley said he has the following request letter from Morley & Associates:

July 17, 1986

Board of County Commissioners
Room 305, Civic Center Complex
Evansville, IN 47708

Re: Eden Place Subdivision
Our Project #85-995-4

Dear Commissioners:

Eden Investments is hereby requesting that the County accept Vogel Road in Eden Place Subdivision for maintenance. The length of street is 1,251.76 feet. The street width is 41 feet to back of roll curbs and the concrete thickness is 7 inches. The contractor was J. H. Rudolph & Company.

I hereby certify that to the best of my knowledge the street was constructed to Vanderburgh County Standards.

We have enclosed "as-built" mylars of the street, a copy of the ingress/egress easement across the Harp property, and a photo showing street location.

Sincerely,

James Q. Morley, P.E., L.S.
President

Mr. Easley said that if the Board will recall, he and Mr. Bethel looked at this. It is his recommendation that it be accepted.

The Chair entertained questions. There being none, a motion was entertained.

Commissioner Borries commented that it appears Vogel Rd. is moving eastward. Mr. Easley said this will be the easterly terminus of it. Commissioner Borries asked how much more we have to go before Burkhardt Rd. -- a mile? Mrs. Cox said she doesn't think it is a mile. Mr. Easley said he would say approximately a half mile.

Motion was made by Commissioner Borries that the portion of Vogel Rd. in Eden Place (the length of 1,352.76 ft.) in Vanderburgh County be accepted for maintenance, recorded and sent to the State of Indiana for reimbursement of funds. A second to the motion was made by Commissioner Cox. So ordered.

Commissioner Willner said that while we're speaking to this, Mr. Evans said we need not only to send these off once a year to the State, but we need to check and be sure they have put them on.

Acceptance of Performance Bond/J. H. Rudolph & Co.: Mr. Easley said the next item on his agenda concerns performance bond from J. H. Rudolph & Co. in the amount of \$312,314.20 for the resurfacing contract on St. Wendel, Hogue, West Chapel Hill and Eichoff Rds., together with Certificate of Insurance. The contractor requests that the Commissioners sign the Form 96, after review of the Performance Bond. Mr. Easley will subsequently give them Notice to Proceed on the first two resurfacing projects.

Commissioner Willner asked if the Commission wasn't scheduled to open bids on two more projects today? Mr. Easley responded that the bids are scheduled for opening next week (August 11th).

The Chair entertained a motion to approve the Performance Bond submitted by J. H. Rudolph & Co. and sign the Notice to Proceed. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Commissioner Willner said that while the Board is discussing the J. H. Rudolph contract, he talked to several people on St Wendel Rd. and they seem to think that it was at least a gentlemen's agreement that we would take care of Posey County's portion of that road and they would take care of Diamond Island Rd.

Mr. Easley said he doesn't know anything about that, but he had a conversation with Steve Hahn, the Posey County Highway Engineer. He and Mr. Hahn agreed that the length of the road was about 1,800 ft. (he was in error last week concerning the estimated 200 ft.). It looks like it would be less than \$10,000 for their share and Mr. Hahn thought he could get Posey County to agree to accept an invoice from us for that. He was to clear that this afternoon and get back to Mr. Easley as soon as he gets clearance on this.

Commissioner Willner confirmed that the gentlemen's agreement concerned Diamond Island Rd. (a portion of which is in Vanderburgh County) and they said they would take care of that road in its entirety if Vanderburgh County would take care of St. Wendel Rd. He does not profess to have seen this in writing.

Commissioner Cox commented that Diamond Island Rd. is utilized a great deal by hunters, fishermen, etc., and she doesn't think the road is all that great.

Mr. Easley said he thinks that whether or not we get reimbursed...

Commissioner Willner said he doesn't mind if Mr. Easley wants to send Posey County an invoice; but, personally, he thinks that if Posey County pays for St. Wendel Rd. portion that we ought to take care of Diamond Island Rd. portion in Vanderburgh County. He thinks the trade-off is good enough for him. If it's good enough for the rest of the Commissioners, then that's fine.

Mr. Easley said if Mr. Willner thinks his sending an invoice would disrupt the gentlemen's agreement, then he won't send it.

Commissioner Willner said he thinks it would.

Commissioner Cox said she would like to see that agreement. If we can't find it, then we need to officially put something in the budget to maintain the road -- because what we're doing, we're really paving a road that is not under our jurisdiction. We're talking liability, we're talking a lot of things here and she thinks we need to be careful. \$10,000 really isn't a lot of money. Posey County probably couldn't get anyone to go up there and do it for that price -- she thinks that is a bargain. At the same time, she is also thinking of other roads that lay within our county that people have waited to have done that we're not going to be able to do because we're doing this thing. And she certainly wouldn't support it without some written agreement that we don't have the liability, that we're released from the liability on that section of the road and right down the line. And if we're going to take care of Diamond Island Road, then that also needs to be in writing. This needs to be an agreement that is drawn up and brought before this board and made official -- not just the hearsay and all this and that. She thinks this is where we get into problems.

Claims for Right-of-Way Easements/Heerdink Lane: Mr. Easley said he has about three easements for the right-of-way we need on the west side of Heerdink Lane. He and Lee Stuckey negotiated these and they used the same right-of-way acquisition rate that they used for Heilman and Gearhart. The claims are as follows:

Steven Spencer: For land acquired as permanent right-of-way for Heerdink Lane (between Millersburg Rd. & Heckel Rd., 20' x 665' = 0.036 acres @ \$3,000 per acre.).....\$ 916.00. Land used for fill slopes and temporary construction easement, 20' x 665' = 13,300 sq. ft. @ \$0.02 per sq. ft. . \$266.00. Total claim amount \$1,182.00.

The Chair entertained questions. There being none, a motion was entertained. Commissioner Borries moved that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Frederick M. Spencer: For land used for fill slopes and temporary construction easement for Heerdink Lane (between Millersburg Rd. and Heckel Rd., 10' x 330' = 3,300 sq. ft. @ \$0.02 per sq. ft. Total claim amount \$66.00.

The Chair entertained questions. There were none. A motion was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

David L. Spencer: For land used for ditch back slopes and temporary construction easement for Heerdink Lane between Millersburg Rd. and Heckel Rd. 5' x 330' = 1,650 sq. ft. @ \$0.02 per sq. ft. Total claim amount \$33.00.

The Chair entertained a motion. Motion was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Betty Charlier: For land used as temporary construction easement for Heerdink Lane between Millersburg Rd. and Heckel Rd. 20' x 2,640' = 1,212 acres @ \$300 per acre. Total claim amount is \$364.00.

The Chair entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Cox that the claim be approved for payment, with a second from Commissioner Borries. So ordered.

Robert A. Hirsch & Patricia R. Hirsch: Mr. Easley explained that the Hirsches' house will be on the west side of the new road when it comes into Millersburg. He spent three hour with the Hirsches this past Saturday afternoon negotiating this. He talked long and hard and he told Mr. Hirsch he would bring his proposal to the Board. Mr. Hirsch as 1/4 mi. property 1/4 mi. deep and he has 132 ft. of frontage. He didn't think much of the road's passing by his bedroom window, because he's lived there for 27 years and never had a road by his bedroom window, and he feels that we're taking away something he's always had (peace and quiet). In computing the cost of the temporary right-of-way (10 ft.) and 10 ft. of permanent right-of-way, they arrived at what Mr. Hirsch thinks is a mutually agreeable figure (and Mr. Easley said he guesses he has to concur with him) of \$4,000. Mr. Easley said he thinks that we will not be able to negotiate with him for anything less than that figure.

The Chair entertained questions. There being none, a motion was entertained. Motion was made by Commissioner Borries that the claim be approved, with a second from Commissioner Cox. So ordered.

Mr. Easley said the foregoing conclude all the right-of-way acquisitions for the Heerdink Lane project.

Commissioner Willner asked if Mr. Easley told the Commission that the State is wanting to install that road.

Mr. Easley responded that he has not.

Commissioner Willner suggested that perhaps Mr. Easley should do this. He believes Ms. Rose Zigenfus is present.

Mr. Easley said he knows that Mr. Lee Gallivan suggested that the County consider having the State (the contractor) to perform the work. Ms. Zigenfus has been told that the cost would be approximately what Mr. Easley estimated (around \$115,000 neighborhood). Mr. Easley said he told them he didn't think the Commissioners would have any objection to their performing the work as long as it was within a few thousand of what we could get it done for.

Commissioner Willner said he told Mr. Easley to go ahead, but he did want him to bring it back to the Commissioners and get their consent.

Mr. Easley said they haven't officially informed him yet how much it is going to be.

Ms. Zigenfus said that on Thursday or Friday EUTS submitted a letter to the Indiana Department of Highway requesting that they incorporate our portion of the project into their project and then we'd ask for the construction costs..and that we'd be willing to enter into an agreement for reimbursement. She has not seen anything from the State as to what their cost would be. EUTS did indicate that they should be comparable if we were to be interested in that type of arrangement.

Commissioner Willner said we just need to hear from them prior to making a decision.

Ms. Zigenfus said we're waiting to hear from them that they are willing to do this for us and she will follow up on it.

RE: COUNTY TREASURER - FINANCIAL REPORT

President Willner presented copies of the Interest Report through July 31, 1986 which was submitted by the County Treasurer, as follows:

TO: County Commissioners
County Council

Monies on Deposit--Invested \$500,000.00 (\$100,000.00 each with each of the 5 savings and loan), Dec. 27, 1985, at 7.65%. Estimated Income at maturity is \$38,145.21. Maturity date is Dec. 26, 1986.

Reassessment (249)--Invested \$1,300,000.00 Jan. 14, 1986, at 7.9%. Estimated Income at maturity is \$99,561.94. Maturity date is Dec. 29, 1986.

Monies on Deposit--Invested \$3,000,000.00 July 2, 1986, at 6.275%. Estimated Income at maturity is \$20,916.67. Maturity date is Aug. 11, 1986.

Monies on Deposit--Invested \$3,000,000.00 July 2, 1986 at 6.275%. Estimated Income at maturity is \$35,558.33. Maturity date is Sept. 8, 1986.

Monies on Deposit--Invested \$1,500,000.00 July 2, 1986, at 6.30%. Estimated Income at maturity is \$217,300.00. Maturity date is Oct. 14, 1986.

Monies on Deposit--Invested \$3,000,000.00 July 2, 1986 at 6.45%. Estimated income at maturity is \$96,750.00. Maturity date is Dec. 29, 1986.

Local Roads & Streets--Invested \$2,500,000.00 July 29, 1986 at 6.35%. Estimated income at maturity is \$44,979.17. Maturity date is Dec. 26, 1986.

Interest Receipted to date:	County Revenue	\$398,702.86
	Roads & Streets	48,922.22
	Cumulative Bridge	65,198.61
	Revenue Sharing	<u>10,640.00</u>
	TOTAL	\$523,463.69

Interest to be Receipted when current Investments mature:

County Revenue	\$218,670.21
Reassessment	99,561.94
Local Roads & Streets	<u>44,979.17</u>
TOTAL	\$363,211.32

Also submitted for period ending June 30, 1986 was the Treasurer's Monthly Report. reports received and filed.

RE: TRAVEL REQUEST - COUNTY CLERK

The following travel request letter was presented by President Willner:

August 4, 1986

TO: COUNTY COMMISSIONERS

FROM: HELEN L. KUEBLER, CLERK

In Re: STATE BOARD OF ACCOUNTS CLERKS' MEETING

I, Helen L. Kuebler, am respectfully requesting your permission to attend the Clerk's Fall Conference meeting being held in Ft. Wayne, IN on September 10 and 11.

Attached you will find a copy of the State Board of Accounts' letter, requesting us to attend. Your support and permission will be appreciated.

The Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

President Willner entertained other matters of business to come before the Board at this time.

Commercial Development Rezoning Request: Commissioner Cox noted that some time ago (maybe within the last month) she thinks the Board had come before them a request for rezoning on the corner of Red Bank Rd. and Highway 62 (it would be on the northwest corner). It was a request for a commercial development. There was no site plan and no indication as to how it was going to be developed. She supported the rezoning with reservation. She wishes now that she hadn't. She doesn't know now what is going in there. She now sees a sign up "For Sale, Zoning Commercial" and this bothers her, because they have a very nice area out there on the west side; it is developing; we have a beautiful university out there; they're getting a library out there across from the University Heights (the West Branch Library is going in there); they have nice banks; they have some really very, very nice development and she'd hate to see something going in there (and the Board doesn't even know what is going in there in the C-4 zoning). What bothers her she guesses is the request from the developer concerning the 44 acres out on North Green Rd. (request for rezoning from Agricultural to a Commercial nature, with no idea whatsoever as to what they want to do with that development. If the Board will recall, there is a beautiful Church there; Mr. Hatfield's property is to the south of the Church and the Board almost tied him to the wall to find out exactly what he was going to do with the property, as well as Mr. Neville out there with his apartment. She thinks the Board really needs to take a long, hard look at some of these requests that are coming in for the rezoning without any idea of what is going in there at all. If we do not have quality type commercial development in the area, this is going to affect the other developers there who do have nice developments. She would like for County Attorney David Jones to come up with some kind of guidelines that we must have a site development plan and have them tell us what they're going to do with that property (she knows he has sat in on Area Plan Commission meetings before). But if we could come up with a guidelines that we must have a site development plan and have them tell us what they are going to do with that property, rather than someone coming in from out of town, buying a piece of property purely speculative in nature, and then selling it and making a big profit off it for something not so desirable to go into the area. She thinks we owe that to our corridors that are leading into the various areas of our town. This bothers her. She thinks it goes to Area Plan Wednesday night. She hasn't had an opportunity to mention this to either of the other Commissioners. But she thinks we need to protect our corridors and our developers in the area and have quality development go in there. And when the Board stipulates C-4, we don't know what is really going into the area. We don't know how to plan traffic patterns. Forty-four acres is a lot of acres out there and it could impact on Green River Rd. very, very greatly. And if we're going to do something out there, maybe we need to do it right. Maybe we need a 6-lane road out on Green River Rd.

The other thing (this is under old business) she would like for Mr. Gulick to carry a concern to SIGECO that was brought to her. We've been working on it without very much success. This concerns the damage to the roads recently paved by the county via the laying of gas lines along the road and the spoil that has been put out on the surface and raked back over the lines and the surface of our newly paved roads have been damaged. She knows that SIGECO contracts a lot of this work out, and we're not having very good luck at all in getting anything done -- getting these contractors to come in and repair the damage which has been done. It's out on West Franklin, Smith-Diamond, Volkman, Schraeder, etc. When the operators have let the claw down to push the dirt back, it's going down into the pavement.

Mr. Bethel said he called the contractors and talked to them. They're claiming that SIGECO took that over they told them they wouldn't be liable. Mr. Bethel said he told them he's holding them liable to put it back exactly like it was. They did say they were going ahead and do it.

Mrs. Cox interjected, "But they haven't done anything yet and they haven't done anything on Smith-Diamond or West Franklin and it's been almost two years.

Mr. Bethel said he wrote a letter.

Mrs. Cox said she knows Mr. Bethel wrote a letter. But she thinks that if SIGECO could give us some help here. If the people to whom they sub-contract were gotten to, making sure in the contract SIGECO has with them that they state that if they damage those roads they are going to be required to repair them and have them post a bond or something. When our county crews get out and work very hard and very long in hot weather to put down a surface and then have it destroyed...and once you get gobs out of those pavements, it's awful hard to try to do anything with those roads. You almost have to put down a complete relay over that area. Thus, they either need to be extremely careful in the method they are using along the roadsides or know that they are responsible for putting down that surface if there is damage.

Mr. Gulick made some comments that were inaudible. He then said that he was under the impression that the contractor was responsible to the county and as going to take care of it.

Mrs. Cox said he has not taken care of the damage done last year; and there has been damage done this year on both Volkman and Schraeder.

Commissioner Willner said,, "Shirley, I think I share your concerns on this rezoning; however, I don't think we're within the law to deny a rezoning if they don't tell us what is going in. But he thinks Mrs. Cunningham can speak to that.

Continuing, Commissioner Willner advised Mrs. Cunningham that the Board is having a discussion concerning a rezoning and whether or not a prospective zonee (or whatever you call him) wants to speculate zoning. "It is my opinion that you can't turn one down just because he doesn't say what is going in there."

Mrs. Cunningham said you can stipulate a site plan in the county and she believes you can speculate a use group but, in essence, a person can die or sell it the next day. What they say they're going to do gives you an idea of what is going in there, but they are not restricted by what they say nor are they restricted to keep it at that operation. That is the reason they are now working on a revision of the codes to make it more specific. Right now C-4 is the one that seems to cause the most problems, because C-4 locks out plant storage in all areas and has different things. What they are going to bring to the Plan Commission is to revise the code. They are breaking C-4 down

into two categories and those categories that would have outside storage would have this classification of zoning and those that do not use that would have this classification. She and David Jones were talking, because he asked her about that. The reason you don't have any conditional storage is because there is no such thing once a zoning is granted. In essence, all zoning is speculative unless you stipulate a site plan.

Mrs. Cox said this is her point. What brought it up (she knows Mrs. Cunningham is very familiar with the corner of Red Bank Road and Highway 62, the northwest corner) they came and made a request for a C-4 zoning and we asked them what was going in there. They didn't have any real plans unless they could get the zoning. Now there is a sale sign. The developer who bought it from the individual homeowner now has it for sale. And we don't know what is going in there. What is C-4?

Mrs. Cunningham said C-4 is for any uses.

Mrs. Cox stated, "But, Barbara, that is a corridor to our university. It's right across from university shopping. A new library is going in there; a new bank and the University Shopping Center. I think we owe the citizens of the area some protection in granting these. Anything can go in a C-4 (a junkyard)...Mrs. Cunningham interrupted, "That is why we're working on revising the code. I agree with you completely."

Mrs. Cox interrupted, "Why can't you say? We can stipulate a site plan, so when they come in with a C-4 request, we say 'give us your site plan'...."

Commissioner Willner said, "You give a site plan before you build, not before you one; that's the trouble."

Mrs. Cox disagreed, stating, "We've pinned people up against the wall before we have granted them a rezoning. You know that. Look at the Veterinary Clinic out on First Avenue. Look how hard fought that was and we stipulated a site plan before we had a rezoning."

Commissioner Willner said, "Yes, if we want to -- you may do that. But if he is speculatively rezoning, how can he give you a site plan when he doesn't know what is going in there?"

Mrs. Cox said,, "The thing of it is, I think there are certain areas where maybe it is alright to speculate zoning. But how can we, as County Executives, plan for transportation control, for any control if we don't have some control over what is going to go into our corridors?

Mrs. Cunningham said the Commission does have the control,, because they have the power to either approve or disapprove the zoning. Area Plan is just a recommending body. So if there are uses in that category that you are not in agreement should be in that area, then she would think the Commissioners would approve the rezoning -- if they did not feel comfortable with any C-4 going into that area, then that is not the proper zoning.

Commissioner Cox asked,, "Then even if you disapprove of one or two things in the 160 things allowed in a C-4,, then you could vote 'no' and not grant the C-4?"

Attorney Jones said, "If somebody qualifies within C-4 you can't say we're only going to accept certain types. I think that's the problem with what the court decisions are saying in arbitrary denial and the property owner has certain rights and there are limits on how far the government goes -- that is where all that stuff has been bouncing back and forth in these court cases. The only safe way would be to break up C-4 and come up with C-4-1, C-4-2, C-4-3, etc., etc., and break it into smaller

classifications. That's how you restrict that. And then when they come in for an area they have to follow those more finely defined areas.

Mrs. Cox is right; we used to be able to do this and put the conditions. But what has happened is that we're not legally able to enforce those conditions, so the people are lulled into thinking had this.

Mrs. Cox said,, "You mean that if you stipulate to a use group there is nothing...?"

Mrs. Cunningham interrupted, "I think now in the county you can stipulate to a use group and you can stipulate to a site plan -- I have to look it up (the city and county are different).

Mrs. Cox asked, "You feel we could amend the ordinance to say, "C-4-A, C-4-B, etc., that that would hold up?"

Commissioner Willner interrupted, "Not necessarily, not necessarily hold up in court."

Mrs. Cunningham said they would be applying for this classification and those things would be in that classification...

Attorney Jones stated, "When they come in --as long as all persons similarly situated are treated equally -- that's your basic fundamental equal protection clause -- that is what they sue on....under the 19th Section 1983, when they say, "The unit of government arbitrarily denied me zoning. I wasn't treated the same as everybody else that qualified in there." And if you come out on the record and say that, then you give them evidence that you are distinguishing among C-4 applicants, because even though on the face of it there are good policy reasons, we've got to take those policy reasons to protect certain certain areas and make those more narrowly drawn.

Mrs. Cunningham made brief comment that was not audible.

Mrs. Cox said the Board has turned down zonings when they have presented to the Board what they want to do there. We have voted "no"; yet, we have granted zonings when we don't know what they're going to do there. This is what bothers her. And the 44 acres out on N. Green River that is proposed for commercial C-4 request -- and we don't know what is going to go in there. Are we doing Green River Rd. right? Is the sewer line going to be big enough to carry it She doesn't know what they are going to put in there. It came to the Commissioners on first reading and it's going to Area Plan and they don't know what is going in there. Once you give them the zoning it is gone. We need to put it under the microscope and look. She feels like we owe the people like the church out there, Mr. Hatfield's development, and the Nevilles (we pinned them up on the wall, making them stipulate to a site plan in that area) and then we're going to come along and give someone permission to develop we don't know what. She just wanted to see what we could do. If that would work, then we need to hasten forthwith real quick or whatever the legal term is to get those class distinctions.

Mrs. Cunningham said they had wanted to bring it in as a whole package...the changes in the zoning law.

RE: SCHEDULED MEETINGS

The Chair entertained mention of scheduled meetings.

Wed.	August 6	2:30 p.m.	County Council Meeting (Council Chambers)
Wed.	August 6	6:00 p.m.	Area Plan Commission Mtg. (Council Chambers)

RE: CLAIMS

Michael E. Mann: Claim in the amount of \$129.00 for refund on Permit (house as not built). Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Jerry Schenk & Assoc., Inc.: Claim in the amount of \$1,000.00 for loss control services for month of July 1986. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Knight Township Assessor (Released)

Anna Marie Umbach Deputy \$35.00/Day Eff: 8/8/86

Burdette Park (Appointments)

Alicia Minton Extra Guard \$3.35/Hr. Eff: 7/26/86
Bob Hays Extra Guard \$3.35/Hr. Eff: 7/27/86
Kristi Krietenstein Rink Guard \$3.50/Hr. Eff: 7/19/86

Burdette Park (Releases)

Robt. Attebury Rink Guard \$3.50/Hr. Eff: 7/14/86
Bob Culver Ground Crew \$4.00/Hr. Eff: 7/7/86

Circuit Court (Appointments)

Hugh B. Nicholas PTWR \$5.00/Hr. Eff: 7/24/86
Janice Anne Sloat Secretary \$10,000/Yr. Eff: 7/28/86

Circuit Court (Releases)

Janice Anne Sloat P/T Secretary \$3.35/Hr. Eff: 7/25/86

Clerk of Circuit & Superior Courts (Appointments)

Cathy Dickens Holbrook Court Clerk \$511.03/Pay Eff: 7/28/86
Debra E. Jackson Deputy Clerk \$490.42/Pay Eff: 7/28/86
Jane S. Lockyear File Clerk \$6.00/Hr. Eff: 7/28/86
Kim Doom Bond & Fine \$4.00/Hr. Eff: 7/28/86

Clerk of Circuit & Superior Courts (Releases)

Paula Curry \$511.03/Pay Eff: 7/28/86
Cathy Dickens Holbrook \$490.42/Pay Eff: 7/28/86
Jane S. Lockyear Bond & Fine \$6.00/Hr. Eff: 7/28/86
Debra E. Jackson File Clerk.....\$6.00/Hr. Eff: 7/28/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:55 p.m.

PRESENT: COMMISSIONERS

R. L. Willner
R. J. Borries
S. J. Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

AREA PLAN

B. Cunningham

COUNTY COMMISSIONERS
August 4, 1986

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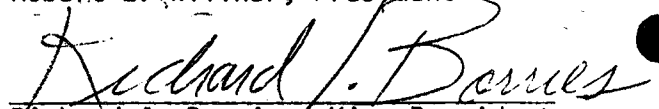
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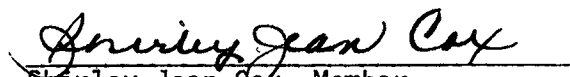
OTHER

Mrs. Tom Cummings
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 11, 1986

The Board of Commissioners of Vanderburgh County met in session at 2:30 p.m. on Monday, August 11, 1986, in the Commissioners Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion re approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on August 4, 1986, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

President Willner announced that the Board's attorney for the day was to be David Miller. He had a call from the hospital regarding his wife and had to leave at the last minute. He is trying to get a replacement here. Thus, Commissioner Willner asked that the audience bear with the Board and they will try to proceed with the opening of bids, etc., legally in a few minutes. In the interim, he'd like to deviate from the printed agenda and call upon Mr. Jack Kinkel, who has to be at another meeting. He is here to discuss the bids received on the restroom facilities at Burdette Park.

RE: RECOMMENDATIONS RE BIDS RECEIVED ON RESTROOM FACILITIES AT BURDETTE PARK

Mr. Kinkel noted that the bids were opened at the last Commissioners meeting and he was to review the bids and make a recommendation at this week's session. He analyzed the bids received from mechanical bidders and feels that those were in line with the estimate totaling \$13,790.50. He thinks that there are some changes that could be made for the general construction which would result in a cost savings and, hopefully, bring us closer to the estimated cost of the project. He would recommend (after he reads the changes) that we re-advertise and re-bid the project on Monday, September 15th. Also, he would recommend that we ask the mechanical bidders to extend their bids for a period of an additional sixty (60) days. The original bids were good for thirty (30) days. That would put the expiration of bids on Monday, October 27, 1986 -- so we'd have some time to make a decision. That is actually 91 days. The changes he is recommending are as follows:

The paving, which was concrete sidewalk from the parking lot to the facility should be changed from 4 inches of concrete to 4 inches of #53 stone and 1 inch of white chat.

He would also omit all brick veneer and use 8 inch concrete block with one vertical score for all block work. So, we'd see squares all over the inside and outside of the the building 8 inches by 8 inches.

We'd omit the use of Dryvit and, again, no brick.

Omit all metal lath and plastering -- and that was on the inside ceiling. Above the masonry work we had metal lath and plaster at the ceiling and up to the skylight. We'd eliminate the metal lath and plaster and substitute 3/4 inch painted plywood. Paint would be same as for exterior trim.

Omit all insulation in the building. We'd talked about the possibility of heating the building in the future; but Mark Tuley said since we have it fixed so we can drain it down we'd probably never heat it, so let's take the insulation out.

Omit wood access ladder, which was going up to the ceiling. We can eliminate that. Maintenance would just have to bring in their own ladders.

There would be no ceiling in mechanical chase. All we'd see would be exposed joists.

The mechanical chase would also have the same floor elevation as the restrooms. This would eliminate the need for about 15 extra feet of footing and foundation walls. It would mean, however, that when the maintenance people open the back door they would have to step up 2 ft. to get to it. But the only time they should have to get in there to it is when they drain the system down at the end of the season and they open the valves to activate the system or make the system wet again in the spring.

Delete rooftop vent.

Omit all painting on interior and exterior block.

Door #3 will have 24 inch wide by 18 inch high metal fresh-air grille, equal to Barber Colman GDR without indents. This would permit air movement through that room, since we're going to have an open ceiling in there.

In addition to that as the base bid (those are the items that would be deleted for the base price) we'd have an alternate that if we reduce the roof pitch from 12 & 12 to 8 & 12, there may be a savings there. So we should ask the contractor what kind of additional savings we'd have. Also, if we decided we wanted paint and filled the blocks with a block filler and two (2) coats of quick-dry enamel, how much would that cost for the inside? This should probably be done before the facility is put in use. These would be his recommendations.

The Chair entertained questions. There being none, a motion was entertained to re-bid the basic contracts and ask for an extension of time on the mechanics with the bids to be opened on September 15, 1986, with mechanic bids going to October 27, 1986. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: ORDINANCE RE BUILDING COMMISSIONER --RICK YOUNG

The Chair recognized Rick Young, City Attorney, and asked that he explain why the City and County ordinances re Building Commissioner's job are different.

Attorney Young said he is Corporation Counsel for the City of Evansville. The City and County operate under an Inter-Governmental Local Agreement regarding the operation of the City-County Building Commission Office. In 1982 the City undertook the master recodification of the Municipal Code. At that time they deleted the requirements that the Building Commissioner should be a licensed engineer or architect. He said he thinks the reasoning behind that is that, number 1, it is no longer required by State Statute that the Building Commissioner have such qualifications. Secondly, for more practical reasons, they were finding that they just can't hire a qualified architect or engineer for the salary that the City and County under the inter-governmental agreement can afford. The starting salary for engineering graduates from the University of Evansville this past year was \$30,000. That is in excess of what we can pay right now for the Building Commissioner's job. He would at this time ask the Commissioners to consider a Resolution to delete Paragraphs a, b, and c in Section 150.166 of the Building Code. That would basically put it into conformity with the existing City ordinance. Basically the City ordinance put into the code just plain and simple doesn't list any qualifications. The appointment is a Mayoral appointment. The City and County fund

this department 60% City and 40% County. He talked with Attorney David Jones concerning the matter. He determines it basically as being a house cleaning matter for the Commissioners. As with all joint departments, we need to have uniformity in the codes.

Commissioner Willner thanked Mr. Young for his comments and entertained questions from the Board.

Commissioner Cox asked Attorney Young if he has the Resolution?

He responded that he does not; Attorney Miller was apparently going to prepare that. Since he was called to the hospital, he is not present at the moment.

Commissioner Cox said, "I think this is a step backwards for our county. I think the county deserves to have qualified people in responsible jobs. I don't know what the thinking was that prompted the State's dropping the qualifications, but I think with an area the size we have here and the growth that is taking place...it behooves us to put qualified people into these responsible jobs and I'm sorry to see something of this nature happen. I would like to see the Resolution to see exactly what it entails; but I am very disappointed."

Commissioner Willner asked if the Board wants to defer action until they have seen the Resolution? Addressing Attorney Young, he asked, "To delete, we do not have to advertise, is that correct?" Mr. Young verified that this is correct. Commissioner Willner asked, "If it is not a majority vote, do we have to have two sessions?" Mr. Young said it is his understanding that if something isn't approved by unanimous consent, then the Board would have to follow normal procedure and have two sessions. If there is unanimous consent, then it could be taken care of in just one (1) meeting. Commissioner Willner asked, "The salary was \$27,500. Is that correct?" Mr. Young said that is approximately correct. It might have been a little less. The position has been vacant for almost in excess of one (1) year. Commissioner Willner asked, "How many times have we advertised that position?" Mr. Tom Dorsey (Personnel) replied that it was advertised at least twice. We have been looking quite hard for a qualified individual.

Commissioner Cox asked, "Were there any applicants for this position that were qualified? Mr. Dorsey said there were a couple of applicants; but on face value he doesn't believe they were qualified.

Mr. Young said it is his understanding that there were no qualified applicants. Usually, when they found out what the salary was they lost interest.

Commissioner Cox asked, "Are we missing something here by not looking at increasing this salary? We just increased our County Engineer's salary and I was all for that. I think we definitely need a qualified person in the county over our roads, drainage, etc. If the salary is the reason we cannot attract a qualified person, then we need to look at the salary and I think in the Long run it would be money well spent.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that Paragraphs a, b and c in Section 150.166 of the County Code of Ordinances be deleted and that Attorney Miller be instructed to draw up the new ordinance. A second to the motion was provided by Commissioner Willner. The Chair then asked for a roll call vote: Commissioner Cox, no; Commissioner Borries, yes; Commissioner Borries, yes. President Willner declared the motion carried with two (2) affirmative votes.

RE: POOR RELIEF - PIGEON TOWNSHIP

Clarence Gilles/421 S.E. 1st Street: The Chair requested that Mr. Gilles approach the podium, identify himself, give his residence address and state the nature of his request.

Mr. Gilles identified himself and said he resides at 421 S.E. 1st Street. He is asking for rent assistance.

Commissioner Willner said the printed response from the Pigeon Trustee's office says, "The Trustee's Office will not pay rent for more than a 90-day period for any able-bodied person without dependents, or for two or more able-bodied persons with dependents. Such a person or persons will be ineligible to receive further rent benefits for a period of 18 months following the receipt of rent benefits, unless he or a member of the household has held gainful, sustained employment in the interim." Mr. Willner said he presumes this is part of the guidelines for Pigeon Township and he asked if Ms. Walters (representative of Pigeon Trustee's office) would explain what the experience of Mr. Gilles has been?

Ms. Walters said they started paying Mr. Gilles rent in 1984; they paid it for two (2) months. In September 1985 he was in the hospital and they paid his rent from September 6, 1985 thru April 23, 1986. They paid it again in June 1986. His doctor released him to return to work around the first of January. He told her he was supposed to start working at Goodwill in April. This is why they continued paying his rent. He went to the REHAB Center in April and she told him to bring in a statement from them when he came in. He told her they said they couldn't place him. She has a letter from them. He didn't have any kind of medical condition or anything, so there was way they could rehabilitate him. Thus, they did not put him in a program. Actually, the Trustee has paid his rent for about nine (9) months, rather than the 90 days.

The Chair recognized an individual in the audience. She identified herself as Katherine Ryback, an attorney with the Legal Services Organization of Indiana. Mr. Gilles has asked her to represent him at this hearing. His situation is this. He had a heart attack last year which laid him up for a while. As indicated by the Trustee's representative, his doctor has released him to go back to work. But he is limited in that he is not permitted to do heavy work. His previous work included working as a security guard and in a machine shop. The other thing is that Mr. Gilles is fifty-nine (59) years old and it is not easy for him to find a job. He has applied at Dusty's, McDonald's, Wolf's, Washington Square Mall and Eastland Mall (as a security guard). He's also applied at a couple of machine shops (one on Southeast Riverside and another at the corner of Tekoppel and Claremont). He has looked for assistance in finding a job with CAPE and PIC. Tomorrow morning he has the beginning of a training session thru the PIC program, which is for people age 55 and over; he is hopeful that he will be able to get something. Another thing that makes it difficult for him to find work is that even before he had his heart attack he has only one eye. Places like Whirlpool, G.M., etc., would not approve him for employment because he only had one good eye. Since his heart attack he has attempted to work (at Western Sizzlin). But it was too hard, too heavy and too fast and it gave him chest pains. It is true that the Trustee has assisted him for a while in this situation. But he was not released to go to work until the beginning of this year and he has also been trying to get Social Security; but he was turned down. He is asking for back rent for the month of July. His rent is only \$33.00 per week. The Trustee has paid \$110, which she believes is the maximum standard for what they will pay for rent. The standard that the Trustee is relying upon here is really in violation of the Trustee's Statute. What they're doing is disqualifying a person for 18 months after they receive three (3) months assistance. It is plain to anyone that such a standard has no bearing on what a

person's need is. If the person is still unemployed and still trying to find work, that individual really should be entitled to help from the Trustee.

Continuing, Ms. Ryback said she would like to provide the Commissioners with a copy of case called "Van Buskirk vs. Wayne Township", which says that the Trustee does have some discretion with regard to the standards they set and that they can determine what is the most economical and efficient way in which to assist people with shelter, but it does say that the Trustee has the obligation to assist those who are eligible with their shelter needs. It appears to her that Mr. Gilles is still financially eligible for Trustee assistance. He receives only food stamps in the amount of \$80.00 per month. In fact, the Trustee has found him eligible for assistance and has paid for his medication this month, but is refusing to pay for his rent. Thus, she would ask that the Commissioners reverse the decision of the Trustee and direct the Trustee to pay Mr. Gilles his rent for the month of July.

Ms. Walters said that according to the Trustee's guideline, the Trustee is supposed to offer temporary help. It's not supposed to be anything permanent. They paid rent for him before he got sick and he was supposed to work on their workback program. He would come in and ask for rent or for non-food or whatever. She'd ask him if he reported for work. He'd tell her, "No"; he lost the paper she gave him. She'd give him another one. Then he'd come in again and she'd ask him if he reported for work and he'd say "No" and the reason would be something else. But when he was able to work, he didn't work on their workback program.

Ms. Ryback said she believes what Ms. Walters is referring to is when he received assistance in 1984. Ms. Walters confirmed that this is correct. Ms. Ryback said Ms. Walters hasn't asked him to work since he applied recently? Ms. Walters stated they no longer have the workback program. Ms. Ryback said that what Ms. Walters is referring to then happened two (2) years ago? Ms. Walters said it may have been two years ago, but if he was able to work at that time, he should have worked on the workback program. Ms. Ryback said Mr. Gilles is willing now to work on a workback program but there is nothing...Ms. Walters again stated that they no longer have the workback program.

Commissioner Willner entertained questions.

Ms. Cox asked if Ms. Ryback said Mr. Gilles receives \$80.00 per month income? Ms. Ryback responded, "Just in food stamps; that's all he has."

Ms. Walters said the Trustee is still buying his medicine every month (his refills).

Ms. Ryback said Mr. Gilles has also received some help from St. Vincent De Paul and Catholic Charities, because the Trustee is not paying the full amount of his rent.

Commissioner Willner asked if there are any relatives? Ms. Ryback said Mr. Gilles has brothers and sisters in the city. Commissioner Willner asked if any of them are helping Mr. Gilles? Ms. Ryback and Mr. Gilles responded that they are not. Commissioner asked Ms. Walters when Mr. Gilles will again be eligible for rent assistance? Ms. Walters said, "In 18 months." Commissioner Willner asked, "18 months from when? When was the application filed? Ms. Walters said the last time the Trustee paid his rent was in June of this year; so it would be 18 months after that.

Attorney Miller queried Ms. Ryback, asking if she can briefly state just what the case stands for (which she had presented to the Commissioners) as it is pretty lengthy?

Ms. Ryback said that the case is not exactly the same as this case. But what the Court held in that case was that the Trustee had an obligation. They interpreted the Statute to say that the Trustee must provide shelter to people who are eligible. Now the Court also said that it would give the Trustee discretion as to how they did that; but they found that the Trustee had abused their discretion in this case (Van Buskirk) because they refused to pay mortgage payments or interest payments on mortgages as a form of shelter assistance. The Court found that that was an abusive discretion because it really didn't matter what form those payments were made in as long as it was an economical way of providing shelter. In Mr. Gilles' case, she is not arguing with the Trustee's \$110 standard as to what they will pay for rent. He is living in as about a cheap a situation as you can get (\$33.00 per week for a sleeping room; this is what he has).

Attorney Miller said the Court does recognize that there is discretion to be had in the Township offices for determining qualifications for eligibility.

Ms. Ryback said, "Certainly; and he is eligible for Trustee assistance. I think that probably the main point to the case is that there is a limit to the Trustee's discretion and I think this is a particular situation where they have overstepped that limit."

Attorney Miller asked,. "Do you contend that he is not able-bodied?"

Ms. Ryback replied, "No, no. He is looking for work and he is released by his doctor to look for work as long as he doesn't have to lift over a certain amount of weight in the job. I think the Commissioners ought to consider that because of his age and the fact that he has a medical history of a heart attack, this will make it difficult for him to find employment. Really, the Trustee isn't contending here that he isn't looking for work, so that really isn't an issue.

Ms. Walters asked, "When did the Trustee say he wasn't looking for work? What I said was that he didn't work on our workback program."

Ms. Ryback said, "I'm saying that you didn't say that he wasn't looking for work."

Attorney Miller interrupted, "What she is saying is that you're conceding that he is looking for work."

Ms. Ryback stated, "It is not a reason given in the denial."

Ms. Walters said, "I sent him across the street to Lloyd Senior Citizens -- for him to apply there -- because they do have people to try to help them find jobs. On the 8th she asked him if he went over there to apply for the job and he never did answer her. So she still doesn't know whether he went over there."

Commissioner Willner asked again, "How long has the Trustee been paying his rent?"

Ms. Walters responded, "Since September 6, 1986, up through April 23 (from April 23 to May 23) and then they paid June 30th. So that should be about nine (9) months that they paid his rent. We went even beyond our guidelines to help him -- way over."

Commissioner Cox said, "I can understand why the Trustee would have a guideline such as this to encourage people to go out and find employment and get off the tax rolls. However, I can't understand why the Trustee's office made an exception to this rule back earlier and then now all of a sudden when his circumstances are really no different, they are denying him. I am sure what his attorney is telling us is factual and he has made a concerted effort to look for employment. If you didn't stick to the guidelines before and you paid the rent past the 90

day period, then what has changed now to make you take another look at it? I guess that is what I need help in understanding."

Ms. Walters said, "He was in the hospital in September of 1985 and his doctor released him in January. He wasn't able to get out and work so they paid it. In January they still continued to pay the rent because he told her the REHAB Center was going to have him a job at the Blind Association in April, so we still continued to help him. But we can't continue to help him forever; that's why we stopped."

Mrs. Cox said, "He was released in January; so you paid January, February, March and April and June?"

Ms. Walters said, "We paid June because we had sent him across the street to Lloyd Senior Citizens to see if they were going to help him find a job. He never did tell me whether he went over there or not. Then, as long as he was working with the Rehabilitation Center, we were hoping they'd get him in somewhere. I have a letter here now from the Rehab Center dated April 23rd."

Mrs. Cox asked, "Does it say they are able...?"

Ms. Walters interrupted, "No, they are not, because he is not limited on his work."

Ms. Ryback said, "One thing that is rather interesting is that the Trustee's office today had a referral for him to PIC, and he has already set up an appointment for tomorrow morning. On some things he may not have followed through, but on others he is ahead of them in their referrals."

Ms. Walters said, "That was just a gesture on my part, because I am trying to help him."

Ms. Ryback said Mr. Gilles said he went to CAPE rather than the Lloyd Senior Citizen Center. "I guess he misunderstood the referral; but he applied to CAPE for a job."

Commissioner Cox stated, "Well, you wouldn't be applying for a job at Lloyd Senior Citizens center. There might be someone over there who might help him find a job somewhere."

Ms. Walters said she has a copy of form she sent to the doctor. She also talked to the office via telephone and "she" said in January he could go to work and he could do just about anything."

Commissioner Willner asked where Mr. Gilles was gainfully employed for a number of years (prior to 1984) anywhere?

Ms. Ryback said he worked as a security guard and in a machine shop.

Commissioner Willner asked, "In the machine shop that was as a security guard?" Ms. Ryback responded, "As a machine operator." Mr. Willner queried Mr. Gilles concerning the name of the company.

Commissioner Cox asked Ms. Ryback if she said that Mr. Gilles has another lead concerning possibility of employment at this time?

Ms. Ryback said that at 8:00 a.m. tomorrow,, he is scheduled to be at a training program with PIC, which is for age 55 and over.

Commissioner Borries said that he believes that both Mr. Gilles and the Trustee are trying to act in good faith and do their best. That is what makes this so difficult.

Commissioner Willner asked what period of time Mr. Gilles lived outside the city in California?

Mr. Gilles said he lived in California from 1956 to 1979.

Commissioner Borries asked how long these PIC sessions go? Is there any hope that Mr. Gilles will soon find work?

Commissioner Cox asked if Mr. Gilles is enrolled in the PIC program this time?

Mr. Gilles said he is for four week period.

Commissioner Cox said she would like to see the Trustee continue to pay his rent as long as he is enrolled in this training program, which might help him qualify to find employment.

Ms. Walters said she thought it was just a workshop to help him fill out forms to try to find a job.

Both Commissioners Willner and Cox stated they would like to check this out further and have additional information, such as determining whether the brothers/sisters are able to help in any way. Commissioner Cox noted that the guidelines do say that if you have any relatives who are able to help you...

Ms. Ryback said she believes this is something the Trustee's office is entitled by law to investigate. But brothers and sisters aren't legally obligated to help one another.

Commissioner Willner said that is correct; if they say "no", then it's "no".

Commissioner Cox said Mr. Gilles has to be getting help from somewhere, because his rent is \$33.00 per week. That times four (4) weeks per month is \$132.00 and he has \$80.00 in food stamps. Are his utilities included in his rent?

Mr. Gilles said the \$33.00 per week is his total rent, which includes his utilities.

In response to comment by Mrs. Cox concerning the difference of \$22.00 between Mr. Gilles actual rent and the \$110.00 amount paid by the Trustee, Commissioner Willner reiterated that Ms. Ryback had stated that Mr. Gilles had received some assistance from St. Vincent de Paul and Catholic Charities (to make up the difference in rent).

RE: AUTHORIZATION FOR COUNTY ATTORNEY TO OPEN BIDS

Commissioner Willner asked for a brief recess in order to get a motion on the floor for the County Attorney to open bids. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: POOR RELIEF - PIGEON TOWNSHIP

The meeting resumed with discussion concerning Mr. Gilles' appeal. President Willner asked if the Board would like for the Trustee's office to conduct an in depth study concerning Mr. Gilles?

Commissioner Borries indicated he would. He said he would like to see what Mr. Gilles is able to find out concerning the PIC program.. just what alternatives they might suggest, so we can work through this. Again, it is a difficult situation. It is not a matter of not wanting to help Mr. Gilles, but it is also a matter tat the Board has to look to see if the Trustee is following his/her guidelines, which are adopted by the Township Advisory Board. It appears they are, trying to stretch what they can to help him in his situation. He'd like a week if at all possible.

Commissioner Cox said she doesn't know what we'd hope to find out in a week. The Trustee has admitted that they are not denying the fact that he is out looking for some kind of work.

Ms. Walters stated, "No, I didn't admit that. I don't know."

Commissioner Cox said, "Oh, I thought you made it very clear that you did not deny him because he wasn't looking for work."

Ms. Walters said, "No, we don't deny them because they haven't been to look for work. We just pay for a certain length of time. We did go over and beyond the time limit that we pay. We asked him before to bring in a list of the places where he has looked for work; but he never brought that in. We haven't checked into it because we have to wait to find out whether he has been some place looking for a job unless he tells us or brings in something."

Commissioner Cox said, "But even if he brings this in to you, you'd still have to go by your guidelines -- you couldn't automatically give him another month's rent."

President Willner said he would agree with the one (1) week deferral on the matter. During the one week interim, he'd like for the Trustee to do these things:

- 1) Check on the PIC program
- 2) Check with Mr. Gilles' doctor to determine if he is limited in any way; what kind of work he can do, etc.
- 3) Also request that he can bring in some kind of list that the Trustee can check as to where he has been applying for jobs.
- 4) Determine why he could not handle the job that he had taken at one time (Western Sizzlin).

Ms. Ryback stated that she thinks the Board is constrained by the Statute in that they have to render a decision within ten (10) days of the date that Mr. Gilles files his appeal. She is not certain just what that date was. She just has a copy of the date of the decision, which was August 5th.

Commissioner Willner said his documents show August 5, 1986 (which would have been six days ago). Thus, the Board has four (4) days left.

Ms. Walters said she seriously doubts that she can obtain anything from Mr. Gilles' doctor within that period of time.

Ms. Ryback said she is not arguing that Mr. Gilles is seriously impaired from working.

Commissioner Willner said, "Then he has the responsibility to hold onto the job he does have -- that's the point here. And I want to know why. If he was not willing to work, then I want to know that. It's very simple."

Ms. Ryback said the statement from Mr. Gilles' doctor says, "May do moderate workload", which excludes heavy work.

Ms. Walters said that was written 10/22/85. He's been back to the doctor since that time, because she believes the Trustee has been paying for his office calls.

Commissioner Willner asked that the Trustee get Mr. Gilles' file updated and another hearing will be held one (1) week from today (August 18th). If there is any information the Trustee wants the Commissioners to hear before that time, it should be given to Margie Meeks and she will let the Commissioners know.

Ms. Ryback asked, "We are to be back here next week?"

Commissioner Willner said, "That is correct."

RE: BIDS ON ROAD PROJECTS

President Willner requested that Attorney Miller read the bids received on road projects.

Attorney Miller reported that two (2) bids were received on Road Projects 10-3-86 and 10-4-86, as follows:

Rogers Group, Inc.: Project 10-3-86, which includes streets in Evergreen Acres, Whetstone Rd., Green River Rd., and Outer Lincoln Ave. Bid is in amount of \$138,541.93 (bid in order). Bid on Project 10-4-86, which includes various minor streets in Western Vanderburgh County in the amount of \$150,165.73. This bid is also in order and properly bonded.

J. H. Rudolph & Co.: On Project 10-3-86, the bid is in the amount of \$168,839.45. On Project 10-4-86, bid is in the amount of \$179,584.55. Both bids are completely in order and properly bonded.

President Willner asked Mr. Easley if he wants to check the bids before he appears on today's agenda? Mr. Easley responded in the affirmative.

RE: PROPOSED UNION TOWNSHIP UNDERPASS - WAYNE WILLOUGHBY/
PERRY TOWNSHIP VOLUNTEER FIRE DEPARTMENT, INC.

President Willner said that Wayne Willoughby of the Perry Township Volunteer Fire Department is present and he understands that he has a letter to present concerning the Union Township Underpass. The Chair then recognized Mr. Willoughby.

Mr. Willoughby introduced himself and expressed appreciation to the Board for allowing him to appear on today's meeting agenda. He said he is President of the Perry Township Volunteer Fire Department, which provides fire, rescue and first responder's service to Union Township. He said that first he would like to read a letter from their Chief, John Barr (who could not attend today's meeting), as follows:

August 6, 1986

Robert L. Willner, President
Vanderburgh County Commissioners
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Bob,

In reference to your letter of April 17, 1986, inviting our input into the proposed Union Township Underpass.

We had been waiting for a more definite location to be brought forward and did not want to make a stand until this point was reached.

We now see that the study showed an Underpass at Nurrenbern Road to be the most cost effective place and this would be to our benefit. I am also aware of a petition drive that is requesting this underpass be placed at the "B" Street location.

Although I can see that this location would be beneficial to probably more people, including myself (as I work for the CSX Railroad and it provides me and several others an uninterrupted access to work), it would be of very limited benefit to the Perry Township Fire Department.

Our Station #1 is located at Broadway and Johnson Lane, just west of Red Bank Road and the distance from there to the Hybrid Inn using South Red Bank is 1.5 miles. The distance from Station

#1 to Hybrid Inn via the proposed "B" Street Underpass would be approximately 4.3 miles. These mileage readings were taken by using the Claremont Street crossing, but there would be very little difference at "B" Street. An additional problem in responding via "B" Street is the traffic that would be encountered on Broadway and Barker enroute to this underpass.

We would appreciate an opportunity to express our views at next Monday's meeting of the Commissioners. Although I will be unable to attend because of my work schedule, Mr. Wayne Willoughby, President of the Perry Township Volunteer Fire Department, will be in attendance at this meeting. If he can be placed on the agenda at this meeting, he can be reached at 425-2375.

We plan to drive both of these routes out before the next meeting so we can give an approximate amount of time required for each route.

I ask your understanding in the delay in answering your letter, because of the reasons as stated above.

Sincerely yours,

John Barr, Chief

Mr. Willoughby said the first thing he'd like to point out is that one of the main arguments for this underpass was to relieve emergency vehicles being delayed. With their responding to fire protection and rescue and first responder, an underpass to "B" Street is not going to benefit them at all. He'd like to point out the figures used in the letter of 1.6 miles from Hybrid Inn was picked because it is going to be their main access route to Old Henderson Road. At 1.6 miles from their Station #1, it is going to take approximately six (6) minutes and forty (40) seconds. By going the "B" Street underpass (in which they have to use the Ray Becker from Claremont and down) will require nine (9) minutes and fifty-two (52) seconds. That is in excess of the six (6) minute delay every time they respond in Union Township. If, by using Red Bank Rd. (the way they do now) to Nurrenbern, if there is a train blocking the Nurrenbern Road route they then route around Nurrenbern to Graph Rd. down to Bayou Creek and then over to Old Henderson Rd. Driving this route to Bayou Creek and backtracking to Hybrid Inn was eight (8) minutes and twenty (20) seconds. It's approximately 4.5 miles, but it took them approximately 1-1/2 minutes less than using the proposed "B" Street access. The reason for the difference in timing, they went under the most ideal conditions they could possibly use -- this was at approximately 7:00 p.m. on a Thursday evening, when traffic was not very heavy in any of the areas. Red Bank Road is not as heavily traveled as Broadway or Barker Avenue and there are not stoplights that are going to stand in their way.

They have been notified of a misinterpretation somewhere along the line. Some people in Union Township are under the impression that to use City Fire Station #7 on Barker Avenue across from Howell Park is where their fire protection comes from -- and this is not so. The City Fire Department will not respond in the County. This is not where they get their fire protection. If that were the case, the "B" Street proposal would be better. But, as stated in the letter, the PTVFD station is located at Broadway and Johnson Lane just west of Red Bank Road and that is their normal route. If the "B" Street proposal is the one that is decided upon, their first priority and first route is still going to be Red Bank Rd. to Nurrenbern because of the six (6) minute delay by going the other route. If that is blocked again, they would go to Bayou Creek and would notify two back-up trucks who would be coming from Hogue and Williams Roads of the blockage and they would be coming in Middle Mt. Veron probably to Red Bank and they then would detour to the "B" Street Underpass, which would take approximately eleven (11) minutes and five (5) seconds for those trucks to get to the scene --by going that route. Mr. Willoughby said all he can say is that insofar as the Perry

Township Volunteer Fire Department is concerned, the "B" Street Underpass will not benefit them in any way whatsoever. They will still utilize the other route because of the six (6) minute delay. They make approximately forty (40) runs per year to Union Township and if you start adding up six (6) minutes per run -- how long does it take for a fire to completely engulf a house? It's less than six (6) minutes; so time is of the essence for emergency vehicles. Again, Mr. Willoughby said he simply wanted to point out the difference and the fact that "B" Street Underpass will not benefit the PTVFD in any way whatsoever. In conclusion, Mr. Willoughby entertained questions.

The Chair entertained questions. He then asked, "In regard to other emergency vehicles, such as ambulances, how do they travel?"

Mr. Willoughby said that right now Alexander Ambulance Service handles ambulance/paramedic service to Union Township. Their closest unit is at Illinois Street at the West Chapel Alexander Funeral Home. Their route right now is to travel via Wabash to Ohio Street down to Broadway to the Ray Becker Parkway and then to Union Township, if they have to go on that side of the railroad track. If it is on the other side of the railroad track (where the majority of Union Township is) they would come on out to Ray Becker to Broadway Avenue to Barker Avenue to Red Bank to Nurrenbern and then down to Union Township the way the PTVFD now uses. It all boils down to which side of the railroad track, etc. Insofar as the ambulance service, if Claremont Avenue is blocked (which it is blocked one-fourth the time that Nurrenbern Rd. is blocked by the railroad). So right now the ambulance has a pretty quick way to get down there 3/4 of the time, because of the difference in the usage by the railroad. "B Street Underpass would probably benefit them slightly more the other 1/4 of the time. They only respond to rescue or medical emergencies only, where the PTVFD has the added fire emergencies.

The Chair entertained further questions.

The Chair then recognized Mrs. Tom Cummings, who was seated in the audience, and said the Board would be glad to hear any comments that she might wish to make at this time.

Mrs. Cummings said that she agrees that the Fire Department is located across the street from Broadway. She knew that is where it is and she doesn't know who would have thought they received service from the City Fire Department. But by the time the Fire Department gets down there, the house is probably going to be done anyway -- no matter where he comes from. She lives on the other side of the tracks (she lives on Seminary Rd.) which right now she can go up over Roth Hill and on into town. Her quickest way into town right now is via the Claremont Crossing. That is the quickest and fastest way out. Insofar as medical emergencies, etc., that is the route that the people from Union Township would take out of there. This is the reason they prefer "B" Street underpass as opposed to Nurrenbern location. If the Fire Department would stop and think, when the river is up it blocks off Nurrenbern and they would have to go through the Claremont exit anyway to get to any homes north of Hybrid Inn. At least the homes north of Hybrid Inn could still be serviced by the Fire Department with the "B" Street Underpass. If the river is up high enough to close off Nurrenbern, they couldn't get through there; they'd have to come through Claremont.

The Chair entertained questions or comments.

Commissioner Cox stated that what Mr. Willoughby has said is that building "B" Street Underpass will not in any way help to provide better fire service to Union Township. She thinks they want to be on record, so that people understand this. And it doesn't seem logical that they would want to drive all the way back into town; she can understand that. Yet, there is relief for emergency vehicles using this underpass to get down there for

health reasons. She doesn't know how much benefit there would be if a quicker access could be arranged for fire protection on the peoples' insurances down in Union Township.

Mrs. Cummings said she doesn't believe there would be any reduction in insurance rates since the people in Union Township are so far away from the fire station anyway.

Mrs. Cox said the thing is that the City doesn't currently provide service for Union Township, but that doesn't mean that Union Township couldn't contract with the City for providing a certain of Union Township with service, which would be close and Perry Township could do another section of Union Township. Some of those farmers down there have expensive property and equipment. She can see where the Volunteer Fire Department is coming from and she understands. They have gone on record and their point is very well made. She still will support the "B" Street Underpass for an emergency route and also for development of our industrial corridor in that area. She hasn't gotten any feedback from anyone contrary to the 14.5 ft. clearance, that this would seem adequate for emergency vehicles and most of the pleasure boats and fire trucks -- even the type of ladder truck that needs to get down in the area. Thus, it seems adequate. We know we're going to be faced with the temporary flooding and closing of the underpass in that area if it functions like Ray Becker Parkway, and she is sure that it will. We're just going either to have to wait for a train or wait for the flood waters to come in when we have the rains -- so that is something we're going to have to face.

Commissioner Willner asked the Commissioners if they are ready for a vote at any time?

Commissioner Willner said he also wanted to tell Wayne Willoughby that the Board appreciates his concerns here and certainly don't want him to think that his concerns re response time would be ignored. But if we look at most days (hopefully, with fingers crossed) most days won't contain an emergency. Today there was no rain and no flooding and he's sure the trains are there everyday. But he would ask Mrs. Cummings what she, as a representative of the Union Township people, would do on good days like today? What route would most Union Township residents prefer, following her discussions with them re "B" Street with the only abnormality being that the railroad might tie up traffic and you can't get down there. But there is no flooding.

Mrs. Cummings said she would go over Burdette Hill and via the route Mr. Willoughby said the fire truck would utilize to get to their area. If she's running late and knows she has to be someplace, she goes that way because she will get stopped by a train if she doesn't. But if she had any fears of being stopped by a train, she would go via Old Henderson Rd., "B" Street and into town.

The Chair recognized Sheriff Clarence Shepard, who was seated in the audience and indicated he wished to speak.

Sheriff Shepard said he can comment on the fact that they have a Standard Operating Procedure when they go to Union Township bottoms. Is there any specific reason they have never discussed re-opening the Stinson Avenue Overpass?

Commissioner Willner said that the tracks are so close together you can't get a pillow between them.

Sheriff Shepard said he remembers when they tore it down. It was always a good access way and it was never blocked. He was just wondering why we couldn't re-build that?

Commissioner Willner said there is not enough room between the boxcars.

The Chair asked if Andy Easley, County Engineer, has any comment on "B" Street before a motion is entertained?

Mr. Easley said that considering the two locations (Nurrenbern and Red Bank and "B" Street) it would appear to him that the Nurrenbern location would be more central to the service area that the grade separation structure is supposed to be serving and, granted, there is a certain elevation that the Old Henderson Rd. goes under water, it would appear that an overpass at Nurrenbern would enable people to get over the railroad tracks and if the road is under water, the emergency vehicle may have to be met by a boat. But he believes we could construct a structure there that would be operational and low maintenance the year around. He guesses he thought we were trying to serve Union Township and perhaps we should spend a few more days analyzing what we need to analyze before we commit ourselves -- or perhaps even hold a public hearing if it could be held quickly. But if we are to keep the project on schedule, we do need to make a decision. However, he is reluctant to make a hasty decision.

Commissioner Willner said, "To reiterate, the residents are fearful of cutting the natural railroad dam with an underpass -- all of them in their entirety -- 100%."

Mr. Easley asked, "Aren't there culverts underneath that dam?"

Commissioner Willner said, "They are telling me there are none."

Mr. Easley said, "In that case, if we're going to spend additional money...."

Mrs. Cox interrupted, "There are culverts under that railroad."

Mr. Easley said, "That is what I was thinking -- otherwise, how could water get underneath the road?"

Commissioner Willner said, "Maybe at controlled points; they might sandbag them, I don't know."

Mr. Easley said, "If we're going to have to spend more money to get underneath the railroad tracks at "B" Street, why not spend the same amount of money and put an overpass at Nurrenbern?"

Commissioner Willner said they told him there was a difference in elevation, too.

Mr. Easley said he understands what they are saying.

Commissioner Willner interrupted, "They tell me there is 2 ft. difference. The overpass at Nurrenbern was 7.86% grade. It doesn't even meet our standards; you wouldn't be able to use it all year."

Mr. Easley said he thinks it meets Federal Highway design standards for overpasses. Maybe not. He thought we'd agreed on the criteria for the clearances. In a sleet storm it would be difficult to negotiate. Commissioner Willner interrupted, "Snow or sleet -- freezing weather of any kind."

The Chair entertained a motion.

Motion was made by Commissioner Borries that the "B" Street alternative be accepted.

Commissioner Cox asked, "You're not going to take Andy's recommendation? I'm not sure I understand what he is talking about there. Do you two understand what he is talking about?"

Commissioner Willner responded, "I hope so."

Commissioner Willner said that Mr. Easley is saying that, in his opinion, it could be done for approximately the same kind of funds that the "B" Street underpass is going to be done for. But it still gets back to the question of what the residents need down there and what they feel is important to them.

Mrs. Cox said what she hears from them is that they just want a way out in the event of an emergency. But she thinks we have an opportunity to not only serve the residents of Union Township in an emergency situation, but also to serve other areas of our community that may use facilities in Union Township or the industrial area that is bound to develop in the Howell area along the Dixie Flyer Rd. That is why she favors the "B Street alternate. But she thought Andy was asking for another week and she didn't know....

Mr. Easley said you can build an overpass at Nurrenbern for less money than...

Commissioner Willner said, "I understand that."

Commissioner Cox said, "Well, sometimes the less isn't the best."

The Chair said a motion has been made. Is there a second? Commissioner Cox provided a second to Commissioner Borries' motion that the Board accept the "B" Street alternative. So ordered. The Chair asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. The Chair said the motion carried upon unanimous affirmative vote.

Continuing, Commissioner Willner said he doesn't believe that had the Board studied it another year that they would have come up with anything different. He understands that the Perry Township Volunteer Fire Department has two bases now. They really want to do a third down in Dogtown. He just thought it would help the most people out of the most problems.

Commissioner Cox said that when we do this, we're going to have to look at the Dixie Flyer Highway. We're going to have to make certain that it is much better lighted than it is right now. It needs to be kept in condition, because it is curvey. It needs to be striped,, not only in the center but along the sides -- because it is going to carry a lot more traffic and it is not one of the safest highways around. And that is exactly the route they're going to go now -- they're going to use the Dixie Flyer Rd. And she thinks it would behoove the County to look at the safety aspects of that which we're going to be dumping traffic onto, in conjunction with this project.

Commissioner Borries said he knows that at one time Civil Defense had conducted some studies concerning hazardous materials and the possibility of explosions or any kind of a spill and he would think that they would be more likely to occur along the Dixie Flyer area closer to the "B" Street alternative than they would at Nurrenbern Rd. Still realizing that the township might have difficulty getting there, there might be other emergency vehicles such as sheriffs or ambulances that might be able to arrive on that scene rather quickly should any kind of a disaster (such as a chemical spill or explosion) occur.

Commissioner Willner addressed Mr. Easley and said, "Andy, the decision has been made. Would you contact Hayes, Seay, Mattern and Mattern? I guess we do need a price for the engineering of said crossing. Ask them to get that to us as soon as possible. President Willner then asked if there is a sentiment among the Commissioners to bid all three companies again? Or, to stay with the one they originally chose?

Mr. Easley said he has examined the brochures of Hayes, Seay, Mattern and Mattern. He doesn't know whether the Board will or will not recall, but they have done a tremendous amount of work

including tunnels underneath things like Baltimore Harbor, etc. They seem to be very skilled in engineering and he thinks they would do a good job.

Commissioner Willner asked, "Are you saying to stay with them? Or, would we be able to tell more about it when we got their price?"

Mr. Easley said they would probably do it off "C" curves of the American Society of Civil Engineers. He doesn't think we are going to save a lot of money by going to three or four firms.

Commissioner Cox said "I think we need to stay with those companies which were first recommended as acceptable by the railroad. This has been our hangup. I hate to just say we're going to go with this company. I don't see why we couldn't tell the other three -- they're all experienced in doing this kind of work. I would like to see us go this route.

Commissioner Willner asked that Mr. Easley go this route. Insofar as time limit, two weeks?

Mr. Easley said he will get a letter off and he would recommend three (3) weeks.

Commissioner Willner concurred with the three (3) week period.

RE: BIDS ON PICKUP TRUCK FOR COUNTY HIGHWAY DEPARTMENT

The Chair asked Attorney Miller to proceed with reading of bids received on pick-up truck for the County Highway Department. Attorney Miller read the following bids:

Tom Wood Pontiac, Inc. 1987 GMC 3/4 Ton Pick-up Truck \$11,688. The bid offers a number of options. (Firm is located in Indianapolis, IN.)

Hendrickson Enterprises, Inc.:...Bid lacks proper bond. All someone did was to xerox a previous bond from a previous bid and left some things out. Were the county to accept this bid, they might have difficulty with the bond. Bid was in amount of \$11,917.05.

D. Patrick: 1986 Ford F-250; They indicate they have the unit in stock available for immediate delivery. Bid is in amount of \$11,999.50.

Cooke Chevrolet: Bid for a 1987 Chevrolet Fleetside Pick-up, heavy duty in the amount of \$11,052.09. Unit will have to be ordered as a 1987; 1986 models can no longer be ordered. This is 1986 price and any increase/decrease will be absorbed by the purchaser. This means that this is a bid based on 1986 prices; then you may not get the unit for that amount. Bid is in order. In response to query from Commissioner Cox, Attorney Miller said he does not believe he saw any delivery time indicated on the bid.

Kenny Kent Chevrolet: Bid and bid bond are in order. Bid is for a 1986 3/4 Ton Chevrolet Pick-up Truck in amount of \$11,490.99. No delivery time is set forth in the bid since it is a 1986 unit.

Independence Dodge: Bid of 1986 Dodge D-300 1-Ton Pickup Truck (single-wheel) in amount of \$11,778.00 with delivery time approximately 3 weeks. Unit has a 5-year 50,000 chassis warranty.

Commissioner Willner asked Mr. Bethel if he wants a week to go over the bids? Mr. Bethel responded in the affirmative. The Chair entertained a motion to refer bids to the County Highway Department for a period of one week. Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: PRESENTATION ON ROAD REPAIRS - JERRY MEECE

The Chair recognized Mr. Jerry Meece. He said he represents Meece & Sons Contractors. They are selling a unique road repair and maintenance (unique in that no one else around here does it, so it is not a part of the bidding apparatus). It is a one-pass operation on the roads or streets. They blow all the cracks, failures, potholes, etc., completely free of debris all the way down to the base with high pressure air. They simultaneously apply a heated, pulverized asphalt emulsion with an aggregate to form a permanent repair. It is the most cost-effective thing he has ever encountered. The cost will run between 10 cents and 30 cents per square yard, depending upon the condition of the road. They charge by the gallon of material supplied.

Commissioner Willner asked Mr. Meece to hold any further comment until he can get the County Engineer, Andy Easley, back into the meeting. Mr. Meece said that Mr. Easley has seen the presentation; although it was some time ago.

In response to query from Commissioner Willner, Mr. Meece repeated the cost of 30 cents per square yard. In terms of dollars it runs at the high end about \$5,000.00 for a mile of 30 ft. road. In other words, if it is at the high end at 30 cents per yard, that equates to approximately \$5,000.00 per mile of 30 ft. roadway. What he is trying to do is to get counties and cities in his market area to consider this maintenance program on a long-term basis and put it into the bidding apparatus, so that it becomes a regular thing. He'd like to have some word this year. They will be working in the area in September (City of Evansville, Warrick County and a few other areas). It is a new thing. Mr. Meece said he has a video presentation that might or might not interest the Commissioners from the standpoint that there is a certain amount of technical language included. But if the Board would like to see the video, he will be glad to show it to them. He said that Mr. Easley has seen the video and he asked Mr. Easley for his comments.

Mr. Easley said it looks like a good system. They clean out the crack and they fill it with a mixture of a sealant and a finely ground aggregate.

Continuing, Mr. Meece said that, as stated, it is not available in this area. He spent several days in Ohio looking at some 50 miles of roadway -- various projects -- that had been done over the past two years and he was extremely impressed with the effectiveness. Our alternative is to let these roads go a little beyond where we need him and spending hundreds of thousands of dollars. He thinks it has a definite place in our road program.

Mr. Easley asked, "This is primarily for concrete pavement, right?"

Mr. Meece replied, "No sir -- both. He saw primarily asphalt roads in Ohio. However, they did a lot of concrete and subdivision work in Warrick County. Warrick is losing millions and millions of dollars worth of concrete roads in subdivisions due to lack of maintenance.

Commissioner Willner asked Mr. Easley if he'd like to work with Mr. Meece. Would Mr. Meece like to test his product with one or two miles of roadway?

Mr. Meece said the minimum mobilization is one day's work, which is approximately \$5,000.00. He'd like to have at least two or three miles, whatever the Commission can jar loose to test the effectiveness.

Commissioner Cox asked Mr. Meece where his construction company is located? Mr. Meece responded that it is located in Newburgh, IN. However, he is a Vanderburgh County taxpayer (if that means anything; he has been for forty years).

Commissioner Cox asked, "This is a company that you represent --they have the equipment? Or, do you have the equipment?"

Mr. Meece said he has equipment ordered. It is being manufactured and will be delivered to him in the spring of 1987. The company that manufactures the equipment and furnishes him with the pulverized asphalt emulsion material is mobilizing in this area this fall to do work that he has lined up. Most of the entities that he has talked to have given him 3-4 days. Boonville has given him a day to test the product. They are coming down in early September to do the work that he has lined up. But he won't receive his equipment until the spring of 1987. However, they will do the same work. He will be doing the work; he is just borrowing their equipment and three of their men (for a five man crew).

Commissioner Cox asked if Mr. Meece has worked in Ohio and all these other places? He responded in the affirmative. This firm is the firm that was the prime contractor on the Evansville Airport runway elevation last year; this is how he became acquainted with them. They were the prime contractor.

In response to query from Commissioner Cox, Mr. Easley said the company that makes this equipment slurry-sealed the runway at Dress Regional Airport. With the Board's permission, he and Mr. Bethel will meet and evaluate the County paving program. We had some contingency funds in there; although we've been using a fair amount of these funds because we've had to make some overlays a little thicker than previously thought. But perhaps we can find \$5,000 or \$10,000. He is sure we have some roads with cracks in the.

Commissioner Cox said she has one to suggest right now. That's Schutte Rd. from Broadway up to Highway 62 (Pennsylvania Expressway); it is one of the main roads used by USI traffic. There's a lot of cracking in that. It's probably around a mile. We've done a lot of repair work on that and it hasn't done too well. She then asked Mr. Meece how long he said the repairs would last? Mr. Meece said that the repairs that he has personally seen with his own eyes were mainly done two (2) years ago and they look like they were done yesterday. However, nothing lasts forever on a main highway. But this system is the only permanent crack repair system that he has been able to find. He has done some more crack repairing in Warrick County in past years. But he didn't do as well then as he hopes to do in the future.

Commissioner Willner asked that Messrs. Easley and Bethel choose two or three sections of road and let the Commissioners know, we'll see if we can't help ourselves out. He then expressed appreciation to Mr. Meece for coming to make the presentation.

Mr. Meece expressed his appreciation to the Commission for allowing him to make the presentation.

RE: COUNTY ATTORNEY - DAVID V. MILLER

The Chair recognized Attorney Miller, who said he has three matters for the Board's attention, which he will try to cover very quickly.

Claim/Sambo's Bankruptcy Proceeding:

First of all, the County has a claim on file in a Chapter 11 proceeding in Los Angeles, CA, involving Sambo's Restaurants. The Board will recall that Sambo's operated a restaurant now occupied by Jerry's. We have a claim in the amount of \$1,812.80 in that bankruptcy and taxes of this type are a priority claim in Chapter 11 proceedings and must be dealt with before unsecured creditors. It is his understanding that there is a substantial sum of money available for the payment of taxes in various locations throughout the state. The Trustee and dispersing agent for Sambo's has entered an objection to our claim, which was

timely filed and, in Attorney Miller's judgment, his objection is not well founded. He takes the position that even though the claim is based upon personal property taxes, the restaurant corporation should not have to pay the tax because Sambo's has rejected its lease on these closed locations and he thinks that since they rejected their lease that the landlord or somebody else ought to be responsible for this tax. But this is not a tax on real estate and the rejection of the lease really doesn't have anything to do with that. The rejection of the lease might deal with the real estate taxes, but not personal property taxes. The personal property was owned by Sambo's and Sambo's owes the tax. There is a hearing set on this motion on September 8, 1986 and if we are not represented, the ball game is over. That is usually how these Chapter 11 Trustees in larger Chapter proceedings get rid of a substantial tax in putting their plan together. We have no local representation out there. This would only be a matter of maybe spending some \$300.00 to school somebody a bit in Indiana tax law and sending them over to a hearing and demonstrating to the Court what the Indiana law is. On the other hand, he could go out there and handle this for us very quickly. However, we may not want to send him on that kind of junket. Thus, we have two choices. We can just throw our hands up and say we are not prepared to spend \$300 to \$500 to get the taxes we're entitled to (and he thinks we are entitled to them) or we can spend the \$300 - \$500 (and in his opinion we have about an 80% chance of collecting the taxes). The hearing is on September 8th and he will leave the decision in the matter up to the Board. But he is willing to go. But he recognizes that the Board probably doesn't want to send him.

Commissioner Cox said that Attorney Miller said we have about an 80% chance of getting that money. She said she has been through bankruptcy proceedings, court costs, etc., trying to get money for the county and we always come out on the end of those. We never get any money and I can't see spending any money to pursue this. I simply think Sambo's got us for \$1,800.00. She doesn't think we'll get anything from them.

Attorney Miller said he does have a friend who has helped him in cases like this and he is about three blocks from the Court House. He doesn't know him from Adam, other than just having asked him to do things like this in various cases that have required someone to be out there. But he is not going to make it or not on \$300, so it is up to the Commissioners.

Commissioner Willner asked Commissioner Borries if he has an opinion?

Commissioner Borries said he thinks we'll just pass.

It was the consensus of the Board that we should pass in this matter.

Claim/Sheriff's Vehicle:

Attorney Miller said we have a claim on a Sheriff's vehicle, which suffered \$1,962.34 worth of damage at the hands of a drunk driver named Ricky Stevenson, who was uninsured. There was a payment written on the Vanderburgh County insurance account (in Citizen's National Bank) and the insurance account shows an address of Louisville, KY. But the adjuster paid this out of the county insurance account. Since our insurance company paid this amount, it probably did so under

Commissioner Willner interrupted, "It is deductible, so to speak, so we have to pay it ourselves."

Attorney Miller said that was the question. If our uninsured motorist coverage covered it, then we don't have a claim. If it did not, then he believes the Board should authorize the County Attorney to proceed against Mr. Stevenson. It looks as though he has a job and collect this \$2,000 thru small claims.

Commissioner Cox asked, "Did we have to pay the entire \$2,000?"

Attorney Miller said, "It appears so."

Mrs. Cox said, "I know we have to do that on our other insurance (liability) but what is the deductible on our other personal property?"

Attorney Miller said, "This should be covered under uninsured motorist claim."

Mrs. Cox said, "Of course it should; we might have to pay \$100 or \$200, but that is what we pay the extra \$2.00 or \$3.00 for on our insurance premium for -- for uninsured motorist, isn't it?"

Attorney Miller said he has no background information about why this claim was paid with county funds rather than insurance funds. What he is suggesting to the Commissioners is that either Vanderburgh County has a claim or the insurance company has a claim -- and if we spend our money, we should pursue the man. If the Board wants him to find out why we paid the full amount, he will call the insurance man and find that out before we start and report back to the Board.

Commissioner Cox said she would like to know if we're not covered. Usually the way that works on the uninsured motorist is that your insurance company will go ahead and take care of the claim less the deductible. Then they proceed to get the funds back from this individual.

Attorney Miller said, "It should be their job; that's right."

Commissioner Cox continued, "They get their reimbursement, plus they get your deductible fee returned when the process comes to the point where they get all theirs back. I thought we had that."

Attorney Miller said, "We ought to have uninsured motorist. I think we do. I'm certain we do; and there is no explanation in the documents he received as to why county funds were used. So I think we ought to pursue this. I just got this today....and I think that ought to be pursued."

President Willner asked that Mr. Jim Lindenschmidt contact John Hodge of Helfrich Insurance Agency and secure an explanation. He said he thinks he knows, but he is not going to try to explain it.

Claim for Personal Property Tax/Mason-Dixon Lines, Inc.:

Attorney Miller said the county was served with papers today from the Mason-Dixon Lines, Inc. They are seeking to avoid our claim for personal property taxes in the amount of \$406.83 and the hearing is also on September 8th.

Commissioner Cox asked, "They won't let the Attorney enter an appearance by letter?"

Attorney Miller responded, "No, the Bankruptcy Courts are Federal Courts, and you cannot enter a written appearance." Commissioner Borries had reviewed the papers and commented, "I would mention that I imagine the IRS will make the scene for the amount of \$1,805,465.00. I imagine they will have somebody there."

Attorney Miller said, "I don't imagine that claim will be disallowed."

Commissioner Willner asked the other two Commissioners if this claim should meet the same fate as the first claim? Both Commissioners Borries and Cox concurred that the county should pass on this one and not pursue the matter.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports: Mr. Bethel submitted copies of the Weekly Absentee Reports for the Bridge Crew and the County Garage Employees for period August 4 thru August 8, 1986.....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....report received and filed. Attached to the report was the following Work Schedule:

Gradall: First Avenue, Old State Rd. and St. George Rd.

Paved: Hillside Terrace, Reiter Dr., DeShields, Bridgeview and started on Nurrenbern Rd.

Patch: Five Dollar Rd., Mt. Pleasant, Walnut Park, Campbell, Woodridge Place, Lakeshore, Old Henderson, and Hillside Terrace.

Mower: Petersburg Rd., Roesner, Bayou Creek, Seminary, Hogue, #6 School Rd., #3 School Rd., Vienna, St. Joe Rd., Slate Rd., Staub Lane, Mesker Park, Mill Rd., Wimberg, New Rd. and Hillview Rd.

Grader: Seminary, Old Henderson, Happe Long and King Rd.

Trash: Hauled trash from garage, St. George Rd., Lynn Rd., and S. Weinbach.

The SCHOOL BOYS cleared out ditches and bank on both sides of the road on Green River Rd. from Theater Drive to Highway 57 North.

The WORK RELEASE CREW repaired roads, as follows: Ridgewood Drive and Holly Hill.

Weekly Work Report/Bridge Crew: Mr. Bethel also submitted the Work Report for the Bridge Crew for period August 4 thru August 8, 1986.....report received and filed. The crew:

- a) Worked on log jam on First Avenue Bridge.
- b) Cut weeds on Hogue Rd., St. Joe Avenue, Petersburg Rd., Waterworks Rd. and Fickas Rd.
- c) Repaired guard rails on Broadway and installed guard rail on Deusner Rd.

Log Jam/Pigeon Creek: Commissioner Cox queried Mr. Bethel concerning work on the log jam on Pigeon Creek.

Commissioner Willner queried Mr. Bethel concerning the Pigeon Creek log jam.

Mr. Easley responded that he completed the right-of-entry paperwork and they should be able to start work in another ten (10) days.

Commissioner Willner asked if we're still going to contract the digging on the bank with Work Release? Mr. Easley responded in the affirmative.

RE: COUNTY ENGINEER - ANDY EASLEY

Bids/Resurfacing Roads: Mr. Easley said he checked the bids submitted by The Rogers Group, Inc. and J. H. Rudolph Co., Inc. There is an extension error on the Rogers' bid in an amount less than \$2.00 which would show up. However, it is his recommendation that the Board accept the bid from The Rogers Group, Inc. and, if the Commissioners wish, they can sign the acceptance form on the back of Form #96.

Commissioner Willner queried Mr. Easley concerning the Engineer's estimate on these two projects.

Mr. Easley responded that he did not have a written estimate. The estimate would have been approximately \$20,000 higher. He had estimated approximately \$32.00 per ton as an average and we received bids at an average of \$28.00 per ton. This is the figure he used in the tabulation in June, if the Commissioners want to take the tonnage and divide it into the price we had budgeted on that type of contract work. The bid from The Rogers Group is an extremely good bid.

The Chair entertained a motion.

Motion was made by Commissioner Borries that the bids be awarded to The Rogers Group, Inc., in accordance with recommendation of the County Highway Engineer. A second to the motion was provided by Commissioner Cox...So ordered.

RE: COUNTY INSURANCE

The meeting was briefly interrupted as Mr. Lindenschmidt returned with information concerning county insurance. He said he had called John Hodge and he said the county is self-insured.

Mrs. Cox asked, "On the car insurances? I thought that was just on liability only. You mean we don't have any insurance on any of our vehicles or anything like that? All of them we have to pay the first \$50,000 of damages?"

Mr. Lindenschmidt said Mr. Hodge told him we were self-insured and the Sheriff will have to get that money back.

Commissioner Cox asked, "What about burned down buildings at Burdette Park and everything?"

Mr. Lindenschmidt said he didn't go into that. Mr. Hodge knows all about this specific case, as he talked with him about it.

Commissioner Cox remarked, "But this is fire and accident. I knew we were self-insured on liability, but certainly not on our fire and accident for our vehicles. She asked Commissioner Willner if he was under that impression concerning vehicles?"

Commissioner Willner responded, "Yes, yes."

Commissioner Cox then queried Commissioner Borries, "Were you, Rick? Self-insured on the vehicles and buildings?"

Commissioner Borries responded in the affirmative.

Commissioner Willner said, "We have liability insurance and we have a rider on the liability. We have liability insurance on our vehicles; what we do not have is accident. We do have comprehensive, I believe. If it is someone else's fault, we can recover -- I hope. He said that Commissioner Cox should call John Hodge and ask him about the insurance to clarify any questions.

RE: COUNTY ENGINEER - ANDY EASLEY

In response to query from Commissioner Cox, Mr. Easley said that The Rogers Group, Inc. said he believes their garage is in Haubstadt. It used to be out across from the Airport on the north side of St. George Rd. for years and years.

Commissioner Cox said she knows of their company, but she is not that familiar with them.

Mr. Easley said they were formerly Midwest Construction which was owned by the Rogers Group.

Mrs. Cox asked if Mr. Easley is familiar with their quality of work?

Mr. Easley said he is. They did work around Evansville for years as Midwest Construction and he believes that either Midwest or the Rogers Group relocated on Hwy. 57 north of the Airport.

Mrs. Cox said that Hwy. 57 is a nicely done project.

Claim/Hayes, Seay, Mattern & Mattern: Mr. Easley presented an invoice in the amount of \$10,900.00 for engineering study on grade separation for structure across the Seaboard System Railroad. The invoice is in accordance with the proposal given to the Commissioners earlier in the year and it is his recommendation that the claim be approved for payment. Motion to approve claim was made by Commissioner Borries. In response to query from Mrs. Cox concerning how much we had in the budget for this, Mr. Easley said there was a large figure for the Nurrenbern Rd. project and this amount would come out of that figure. Mrs. Cox asked if this falls within the figure quoted? Mr. Easley said they made a lump sum proposal figure. But does this \$10,900 fall within what we said? Mr. Easley said he believes we had a range where some were several thousands of dollars more than that when we made our selection. He thinks we went by their brochure and the price was the secondary consideration. Mrs. Cox said, "But this price was what we approved when we accepted this?" Mr. Easley responded in the affirmative. Mrs. Cox said, "That's all I needed to know." Mrs. Cox then provided a second to the motion made by Commissioner Borries. So ordered.

Resurfacing of Road/St. Wendel: Mr. Easley then submitted the following letter from the Posey County Highway Department:

August 8, 1986

Mr. R. A. Easley
Vanderburgh County Engineer
Evansville, Indiana 47712

RE: Resurfacing of County Road 1200E

Dear Sir:

Mr. Anthony R. Martin, Sr., President of the Board of County Commissioners has authorized the resurfacing of County Road 1200E from the intersection with County Road 475N to a point 1600 feet south of that intersection. He asks you to incorporate the work into your program in the area to attain the best, smoothest product.

The work by J. H. Rudolph Co. should include a thorough cleaning of the existing surface, the application of a tack coat (0.03 gal./5 yds. min.). The application of 1-1/2 inches (165 lbs./5 yds.) hot bituminous pavement over an average width of twenty (20) feet. All materials and workmanship should be in accordance with the 1985 edition of the Indiana Department of Highways Standard Specifications.

The Commissioners will reimburse Vanderburgh County for the contractor's direct bid unit cost for the material placed. A claim form is included and should be completed and returned to me with your invoice for the work.

Please notify us twenty-four (24) hours before paving begins in this area. We wish to supply construction supervision.

The Commissioners appreciate this opportunity to work with you to benefit the residents of the St. Wendel area.

Very truly yours,

Steven E. Hahn, P.E.,
Posey County Engineer

Mr. Easley said thus the Commissioners can bill Posey County, if they so desire. They can take this under consideration concerning the work on St. Wendel re the portion that belongs to Posey County (it's on the county line).

Burkhardt Rd. Project: Mr. Easley presented the following information letter from Morley & Associates concerning the Burkhardt Rd. project:

August 3, 1986

Federal Highway Administration
Indiana Division
Federal Office Building
575 N. Pennsylvania Street
Indianapolis, IN 46204

Attn: Mr. Lee Gallivan

Re: Burkhardt Road Improvements - Vanderburgh County
IDOH #R-15023 -0 Our Project #81-468-5

Dear Lee,

On August 2, 1986 a follow-up inspection was made at the above-referenced project to check on the status of the 1st two uncompleted punch list items (#1 - Replacement of six damaged sheet signs; and #2 - Removal of "Exit" sign from right-of-way at Moto Gas Station).

We found during said inspection that the sheet signs have been replaced with new ones of acceptable quality and the "exit" at the Moto Gas Station has been removed from within the right-of-way. Thus, we feel that the Contractor has completed the project and all punch list items which brings the project (contract between IDOH/Vanderburgh County Commissioners and Gohmann Asphalt & Construction, Inc.) to 100% completion.

Attached is a copy of the notes made during our pre-final walk-thru inspection on June 4, 1986. On the left margin we have noted that the deficiency has been corrected and the date of said correction. The only item that still remains unresolved on this list is the power poles located within the "clear zone" between East Oak Street and Division Street (S.R. 66) along the west side of Burkhardt Rd.

As always, should you have any questions concerning this matter, please feel free to contact us.

Sincerely yours,

Lee A. McClellan, P.E.
Project Engineer

Mr. Easley said that Mr. McClellan is telling Mr. Gallivan that everything is finished. He then directed the Commissioners' attention to the last paragraph of Mr. McClellan's letter.

Commissioner Willner asked that Mr. Easley contact SIGECO to determine if they have a price for the removal of the power poles.

Claim/Bernardin Lochmueller & Associates: Mr. Easley submitted a claim in the amount of \$19,976.31 for work they have done during the July period on engineering for design of Boonville-New Harmony road extension. It is his recommendation that the claim be approved for payment. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Proposed Turnaround/Ensle Place Subdivision:

Mr. Easley presented the following letter from Mr. Jim McCarty of Colonial Garden Center, Inc.:

August 6, 1986

Mr. Andy Easley, County Engineer
Civic Center Complex
Evansville, IN 47708

Re: Our Conversation

Dear Andy,

This is what we discussed be presented to the Vanderburgh County Commissioners as a solution to their request.

Sincerely,

Jim McCarty, Sr.

Mr. Easley said the letter suggests a proposed turnaround on the end of the streets in Ensle Place Subdivision. He has field-checked this and believes that Mr. McCarty's proposed plan would serve the purpose of what the Commissioners would like to have at the end of the street, although they probably would prefer a cul-de-sac. However, the right-of-way is not available for a cul-de-sac. He would suggest that if Mr. McCarty's proposal is agreeable to the Commissioners, he will contact the owners of the lot and see if they have a location where they would like to have that (if they would like to incorporate it into a driveway, for instance). Mr. McCarty has offered to put this in. Would the Board want to take this matter under advisement?

Commissioner Cox asked if this would be on Lot #37? Mr. Easley responded that it would be on Lot #36. He didn't bring his file on this today, but he believes Lot #36 is correct.

Following brief discussion, Commissioner Willner asked that Mr. Easley allow the Board to take this matter under advisement for a week.

RE: REQUEST FOR LOAN TO WELFARE DEPARTMENT

President Willner submitted the following letter from the Department of Public Welfare:

August 6, 1986

To: The Vanderburgh County Board of Commissioners

The Vanderburgh County Department of Public Welfare requests the Vanderburgh County Board of Commissioners approve a loan to the Welfare Department in the amount of \$104,000 as established under Section 4 of I.C. 12-1-11-5 as amended by P. L. 45, Act of 1984 and P. L. 16, Act of 1986.

This loan is requested to defray program costs during the year of 1986 for Hospital Care to the Indigent.

John M. Schroder
Assistant Director

Commissioner Willner asked County Auditor Alice McBride for her comments. Mrs. McBride said we could loan them the \$104,000 out of local option income tax monies and she will put a rate on it for this year and we could collect it next year (the year of 1987) and put it back into the general fund

Commissioner Borries asked if Mrs. McBride knows what will happen now that the State has resumed some responsibility for the Department of Public Welfare?

Mrs. McBride asked, "You mean as far as loans are concerned? This loan will have a separate rate and I will not send a claim to the State. This money will go back into the general fund, like the HCI. What we collect will be sent to the State. We will put a rate on there for \$104,000 and we will get that in taxes in 1987 and then put it back into the general fund.

Commissioner Willner said this falls into the same category as it did two years ago when we loaned them "x" number of dollars? Mrs. McBride acknowledged that this is correct. Commissioner Willner said that actually, if we loan them this amount of money there is no interest charged. If we do not loan it to them, they will go to the bank (they are allowed under Statute to go to the bank) and pay 8% or 9% interest and charge it back to our property owners anyhow. So it is much better to loan them the money interest free if we have it to spare -- and Mrs. McBride says we have it to spare. The Chair then entertained a motion.

Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

RE: REQUEST TO GO ON SEPTEMBER COUNCIL CALL/COMMISSIONERS

President Willner said the Commissioners need to go on September Council Call to request appropriation of \$25,000 for postage account (we only have enough money in the account to last for probably another month). Also, the Auditorium needs \$28,000 in this year's utility bill. He understands the Council did understand that. The budget for 1986 was under by \$10,000 and the amount of bills paid in 1986 that were due in 1985 is \$18,000. So we need to go back on Council Call for \$28,000.

It was noted by Commissioner Borries that the request for \$104,000 loan to Department of Welfare will also have to be placed on September Council Call so that Council can appropriate the monies for said loan. He moved that the Commissioners' request to be placed on September Council Call concerning appropriation of funds for postage account, utilities at the Auditorium and the loan to Department of Welfare be approved, with a second from Commissioner Cox. So ordered.

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

The following travel request letter was submitted by President Willner:

TO: County Commissioners
FROM: Barbara L. Cunningham
Date: August 11, 1986

I am requesting permission to attend a Regional Workshop sponsored by the Indiana Planning Association. This workshop will be held in Jasper, Indiana, on Tuesday, August 12, 1986.

I will be requesting to drive to Jasper and will be accompanied by Beverly Behme, Joe Ballard and possibly one of the investigators. The only expense involved is the meal.

Mrs. Cunningham apologized to the Commissioners, saying the date of this workshop slipped up on her. The topics to be covered are publication requirements zoning/subdivision ordinances, mandatory elements of a comprehensive plan, plat vacations and thoroughfare plans.

Commissioner Cox asked if Mrs. Cunningham will find out that when a developer is making a subdivision, how they address the three-way stops, thru streets, etc. Can she follow through on that at this meeting?

Mrs. Cunningham said they will be discussing legislative action, but she can ask how they address a three-way stop or thru street. Mrs. Cox said, "How traffic control should be addressed within subdivisions."

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

Commissioner Cox asked if Mrs. Cunningham is also going to find out about speculative rezonings and making it C-1A, C-2A, etc.

Mrs. Cunningham said this would be according to the Commissioners' feelings on the matter when Area Plan works on the changes in the ordinance.

Mrs. Cox said that perhaps Mrs. Cunningham could find out whether other counties are experiencing these problems, etc.

RE: APPOINTMENT TO BOARD OF REVIEW

President Willner said there was another resignation on the Board of Review. Mr. Doc Compton has taken some responsibilities at a school which made it possible for him to meet his obligations with regard to the Board of Review and, with regret, tendered his resignation from the Vanderburgh County Tax Review Board.

Commissioner Borries said he would like to place the name of Mr. William Browning of 5807 Twickingham Drive in nomination to replace Mr. Compton on the Board of Review. He will be able to serve through this extension.

Commissioner Cox asked if Mr. Browning is a CPA? Commissioner Willner responded that he believes he is. Mrs. Cox commented that she was just trying to determine whether or not she knows Mr. Browning. (If "you boys" had let me appoint a Republican member, I could have had you one the first day they met). However, she will second Mr. Borries motion to appoint Mr. Browning. So ordered.

RE: COUNTY CLERK - MONTHLY REPORT

President Willner submitted the monthly report for period ending July 31, 1986 from the Clerk of the Circuit Court....report received and filed.

RE: OLD BUSINESS

The Chair entertained matters of old business.

RE: SCHEDULED MEETINGS

Tuesday	August 12	4:00 p.m.	Auditorium Advisory Board
Tuesday	August 12	1:00 p.m.	Meeting re Computer Program/Reassessments
Tuesday	August 12	3:00 p.m.	Presentation re Personnel & Possible Job Description Study

President Willner asked that Mr. Lindenschmidt attend the Auditorium Advisory Board meeting. He also said that Commissioners are urged to attend the Computer Program Meeting as well as the Presentation re Personnel Study, etc.

RE: EUTS - ROSE ZIGENFUS

Mrs. Zigenfus said she just wanted to bring the Commissioners up to date on what is happening with regard to the Green River Rd., Division Street, Burkhardt Rd., Morgan Avenue area. In 1980, there was a study done by EUTS and Bernardin Lochmueller (an impact analysis). The major developments in the area at that time were some multi-family housing complexes and, of course, the commercial development was already initiated with Eastland Mall and Eastland Place being developed. The impact analysis was conducted as a joint effort between EUTS, Bernardin Lochmueller with input from Area Plan Commission, the City Engineer, the County Engineer, the Building Commission and other appropriate agencies. What they did was to examine the land use, utilities, the existing traffic counts and projected forecasted traffic counts for vehicle trips for the existing transportation network that was in the area. The report also recommended some short and long range improvements for the area. A lot of them have been completed. In 1981, when the report was completed, traffic volumes were projected for various points in the area. As the Commissioners can see by designated locations on map (which was displayed on easel) some of the amounts do not reach the projected amount. This is because certain roads are not through and traffic had no way of getting onto Burkhardt at those locations, except for Morgan Avenue. Thus, the traffic counts in four (4) different locations have not reached the projected traffic numbers, contrary to the other numbers listed (where we have exceeded our projections by as much as 197% in one location). She guesses what she is saying is that when you compare the actual traffic counts to the projected counts, the numbers are not really surprising to anyone who goes out there; it is obvious there is a heavy traffic flow in the area. In most cases we have exceeded our projections. The area is continuing to grow. In some ways we seem to think it is going to stop with this stream or the next stream. Such is the case that it has now crept beyond Morgan Avenue and heading toward Lynch Rd. or Hirsch Rd., and she wants to let the Commissioners know that EUTS is conducting a similar type study for that area north of Morgan Avenue that is bound by Hirsch/Burkhardt. They are going to look at that whole area to the north. What they will do is look at the type of commercial development and the traffic patterns and utilities and they'll be recommending or looking at developing roads with the forecasted traffic or vehicle trips that are proposed for that area. She hopes that by some time in September she can come back to the Commissioners with that report and show them what our transportation network might look like in that area north of Morgan Avenue, when new Theater Drive realigned and some other potential thru streets and then ask the Commissioners for their endorsement of this network and, as development occurs, make every effort to stick to the plan. They intend to do this study not only from the traffic standpoint, but together with Area Plan, the County Engineer, etc., and look at the entire area and come up with some type of network that will work.

Mrs. Cunningham approached the podium and stated that she and Rose didn't realize they would both be at the Commissioners meeting simultaneously. But they are working on this together. She was going to tell the Commissioners that in APC work program they are already set up for an impact study in the same area and they are ready to begin this. They were going to do this at the Commissioners' request as they, individually, have all requested this at some time. They basically planned to go from Morgan Avenue to Hirsch or Pigeon Creek and from Green River Rd. to Burkhardt to get planning information for this area and a framework for the Commissioners' decision making. Their report was going to address with EUTS the transportation and service problems that might be created in the area by the commercial/multi-family residential development taking place. What they were going to look into included planned transportation improvements, other secondary transportation needs, curb cuts, storm drainage, adequacy of sanitary sewer and water service. What she wanted to know from the Commissioners, too, as they get

into this is if there are other things the Board would like them to look into or other possibilities. They thought the Board's main concerns were storm drainage, sanitary sewers, and the direction in which the water in the area is going into.

Mrs. Zigenfus said she guesses another reason she began to look into the figures to see just where we are with the projections was the result of the State's saying our numbers are justified to warrant 6 lanes on Green River Rd. It should be a 6-lane facility all the way to I-164. Currently it is planned to be 6 lanes to Green River and then 4 lanes and then two lanes. If we look at the growth out there, we can see that we've already exceeded our numbers in designated area on map..(other comments were inaudible, as Mrs. Zigenfus went back to the easel and had her back to the microphone at the podium). Again approaching the podium, Mrs. Zigenfus said she expects to have her study completed ready for the September EUTS committee meeting and then bring same back to the County Commissioners. Mrs. Zigenfus said she would be happy to answer any questions.

The Chair entertained questions.

Commissioner Cox indicated she has three questions.

- 1) What help can we get on asking the State to give another look at this 6-lane up Division from Green River to I-164? She does agree with Mrs. Zigenfus in that this is something that is a necessity out in the area.

Mrs. Zigenfus responded that she was in touch with the State last week and asked them to send us the report. She wants to see their documentation with regard to numbers. Once she has this and EUTS evaluates how they arrived at decision that we don't need 6 lanes, then we can determine how to proceed. At that point, if need be, she guesses she would suggest that the Commissioners either make a Resolution of some sort or send a letter to the State, making their desires known.

Mrs. Cox said that with the projected traffic counts Mrs. Zigenfus has given the Board with regard to zoning proposed out in the area, this certainly doesn't sound like anything that is going to need a 4-lane or 2-lane out in the area. Right now traffic is backed up from the light way back to Harrison High School and you wait, you wait, and you wait. Commissioner Cox asked that Mrs. Zigenfus please keep the Commissioners informed as to any way the Commissioners, as a body, can help in justifying the 6-lanes there.

- 2) Mrs. Cox said the other thing, we have a zoning in area out on North Green River Rd. (the 44 acres) ...could Mrs. Zigenfus give the Commissioners a recommendation insofar as the transportation? She doesn't have anything down. But once we get the zoning, what control are we going to have insofar as the transportation network out in that area? If they don't see it before? Are we going to encounter the same problems we do when we grant subdivisions and they want to go through and widen the road? Are we going to be hemmed in that way? I guess what I am saying is could you, at this time, give us a recommendation for this proposed rezoning of the 44 acres to C-4?

Mrs. Zigenfus said, "I thought we looked at that particular development."

Commissioner Cox said, "If you did, I do not yet have your recommendations. Sometimes we should get those recommendations into the minutes."

Mrs. Zigenfus said they go to APC

Commissioner Cox said, "Usually we get them after the APC meeting. I guess I just haven't gotten them yet. But you do have a recommendation down for this 44 acres? You do have a recommendation that would include a frontage road?"

Mrs. Zigenfus said she doesn't think she addressed a frontage road. She said that at the time of development they would then determine the curb cuts, etc.

Mrs. Cox said what control, if we get this with no setback lines or reservations, after we give this a C-4 what control do we have on doing these things you want to do?

Mrs. Zigenfus said that when they bring their site plan in and it goes to Site Review, that's when EUTS says they want a deceleration lane, an acceleration lane, the curb cut this wide, etc.

Mrs. Cox said, "But we do have some development just south of this proposed area that we have already developed a transportation plan for and it seems that we could dovetail those in for this area, also.

Mrs. Zigenfus said, "Just as soon as I know what is going in there, then we can look to see what it needs.

3) Commissioner Cox said the third point is that the new Boonville-New Harmony Rd. would connect on up to I-164. She thinks we need to look at that area along that corridor until we get that.

Mrs. Zigenfus said she agrees. However, she said it is hard to keep up with insofar as the planning aspect is concerned due to the growth. But they do their best.

Commissioner Borries said he is glad to hear that EUTS is making progress in this area, because he thinks it's time to put this area under a microscope and look to see how things are going. But he certainly is going to agree with Mrs. Zigenfus in that it is a double-edge sword. We, in government, are never going to completely catch up with the private growth and economic development in our economy -- and he is not sure we want to. Some of the largest fiascoes we could ever have would be public works projects that were built in an area that were going to serve no one. So it's inevitable that government is always going to have to scramble to maintain growth and keep up with growth wherever that happens -- and that is exactly what is going on in this area. He is disturbed, however, to now hear that the State is saying that, based on some roads that are just taking a beating in parts of the county, that this I-164 project may be delayed. He hopes, too, that EUTS might be able to keep the Commissioners informed on that. He feels this would be very detrimental to growth and development in that particular area, because that is really a needed project. It has been on the books a while; they have now started on it -- and now to hear that funds on this thing will be held back (due to Gramm-Rudman) in this really would create a hardship for people who are already patiently putting up with some deteriorating roads in that area -- because we simply have to allow construction movement along some of those roads to work on that I-164 project. Thus, he hopes they will proceed in a timely fashion with that particular project. But it is time to look at that whole area. Again, it is a double-edge sword. He doesn't think government wants to get into an area where we are going to retard growth. We want economic development; we want good economic development. And we want to work with the private sector to be sure that that comes about. This study will certainly help us in that area.

Commissioner Borries said one more thing. On Division Street -- he knows we've gone through this and there have been people there who have asked -- where the 6 lanes and 4 lanes -- will there be lights now, for example, at Fielding and Cullen both; or no light at Cullen and no median cuts at that particular area as she understands it now? We know there will be an overpass and grade separation at Green River. Then what happens at Cullen?

Mrs. Zigenfus said there will be a pedestrian overpass at Cullen.

Commissioner Borries asked if there will be a light there?

Mrs. Zigenfus said, "No, a light is programmed for Fielding Rd.

Commissioner Borries asked, "So there will be a light and median cut at Fielding? And there will be a light obviously and a curb cut at Burkhardt?"

Mrs. Zigenfus acknowledged that this is correct. She made other brief comments, but they were inaudible as she again approached the easel.

Commissioner Borries said, "So conceivably there still could be some movement on doing 6 lanes and part of what her study will do is to upgrade some of those figures to show.....there will be right-of-way for 6 lanes obviously?

Mrs. Zigenfus said they have acquired enough right-of-way for 6 lanes. (Again, Mrs. Zigenfus made comments that were inaudible.)

Commissioner Cox said there is so much development going on out in the area behind Eastland Place that she can't see where the State has the idea that a 2-lane or 4-lane is going to serve that area. That is the route the service trucks, delivery vehicles, tractors/trailers are going to be coming in -- via I-164. She would think that would be the logical way whether they are coming in from St. Louis or Louisville or from the north or from the south. That would be the logical way to get out to that side of town -- not come via Highway 41 and then pick up the Lloyd Expressway and going out there that way. She doesn't understand that way of thinking at all.

Commissioner Borries said he is certain that Mrs. Zigenfus and Mrs. Cunningham can work together on this, but there will be some need for some north-south roads and some planning in that particular area.

Commissioner Willner asked if we can't relieve some of the traffic at Division and Green River with a sign at Division and Burkhardt saying that those people going to Lincoln/Green River and Washington/Green River should use Burkhardt Rd.? The bottleneck is the people turning left. Sometimes as many as 50 cars back up there. Why don't we try to divert some of that traffic that turns down to Burkhardt now, since that road is completed? You could do away with the left turn signal. You could still turn right. I think that we ought to look at some of the ways to do that. People wanting to go to Lincoln Avenue could turn left onto Burkhardt and people wanting to go to Morgan Avenue could turn right onto Burkhardt.

Mrs. Cunningham noted that the corner of Lincoln and Burkhardt is such a terrible corner insofar as visibility is concerned.

The Chair entertained further questions of Mrs. Zigenfus. There were none.

RE: CLAIMS

David L. Jones: Claim presented in the amount of \$1,062.00 for contractual services re miscellaneous cases. Commissioner Willner said he has checked the claim and finds same to be authentic. A motion was entertained. Motion was made by Commissioner Borries that the claim be allowed, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Vanderburgh Superior Court

Ralph E. Moore	Juvenile Referee	\$25,503/Yr.	Eff: 8/11/86
Jeffery L. Lantz	Public Defender	\$12,862/Yr.	Eff: 8/11/86
Sigmund V. Labhart	Public Defender	\$12,862/Yr.	Eff: 8/11/86

Vanderburgh Superior Court (Releases)

Ralph E. Moore	Referee Comm.	\$20,503/Yr.	Eff: 8/8/86
Jeffery L. Lantz	Pub. Def./C.A.	\$29,540/Yr.	Eff: 8/8/86

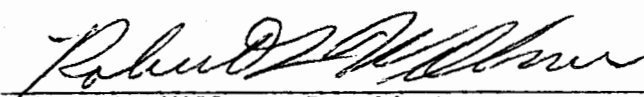
Area Plan Commission

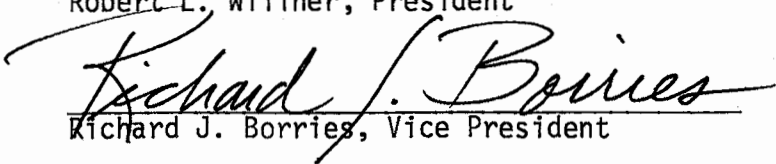
Chris Forney	Planner	...\$19,453/Yr.	Eff: 7/13/86
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There being no further business to come before the Commissioners, President Willner declared the meeting adjourned at 5:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	Alice McBride	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>AREA PLAN</u>
	Andy Easley	Bill Bethel	B. Cunningham
	<u>PURCHASING</u>	<u>OTHER</u>	
	Tom Dorsey	Ms. Walters/Pigeon Trustee's Off. Clarence Gilles/P.R. Applicant Katheryn Ryback/Attorney Jack Kinkel/Architect Wayne Willoughby/P.T.V.F.D. Jerry Meece/Contractor Various Bidders News Media	

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 18, 1986

The Vanderburgh County Board of Commissioners met in session in the Commissioners' Hearing Room at 7:30 p.m. on Monday, August 18, 1986 with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Borries that the minutes of the meeting held on August 11, 1986 be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: AWARDING OF BID ON PICK-UP TRUCK FOR COUNTY GARAGE

President Willner said the Board needs to award bid on pick-up truck for the County Highway Garage, and he has a letter of recommendation from the Purchasing Director, Tom Dorsey. Mr. Dorsey recommends the Board accept the low bid from Cooke Chevrolet in the amount of \$11,052.00. This is for a 1987 unit at 1986 prices (1987 Fleetside Pick-up with Challenger 96-STANDARD Service Body). There were six (6) bids received and Cooke Chevrolet was the low bidder. The next lowest bid was some \$440 dollars higher (from Kenny Kent Chevrolet). The Chair entertained a motion. Motion was made by Commissioner Borries that the Board accept the bid from Cooke Chevrolet in the amount of \$11,052.09.

Commissioner Cox asked if Mr. Bethel reviewed the bids and did this unit meet his needs? The last time we had to make different arrangements after a bid was awarded, because it was a different axle load or something. Commissioner Willner said that Mr. Bethel has approved the subject unit. Commissioner Cox then provided a second to the motion to accept the bid from Cooke Chevrolet. So ordered.

RE: REZONING PETITIONS

VC-16-86/Petitioner, Jack Rogers: It was noted by President Willner that the common known address of subject property is 5221 and 5231 Oak Grove Rd. Property is currently zoned -2 and petitioner is requesting change to M-1. The property is currently vacant and proposed use of the land is the construction of a warehouse (warehouses are allowed in C-4 and M-1 zones). The property to be rezoned is located in an industrial park and is surrounded by M-2 zoning. The petitioner has applied for a variance to relax the required front yard green space from 10 ft. to 0 ft., to allow parking in the required front yard. If granted, an encroachment permit must be obtained from the county to allow parking in the right-of-way for Oak Grove Rd. The petitioner can satisfy code requirements for parking without parking in the front yard. Ingress/egress is shown as a 30 ft. curb cut on Oak Grove Rd. The APC Staff Field report notes that the recommendations of EUTS and the County Engineer should be followed. Sanitary sewer and water are available. The Chair entertained a motion.

Motion was made by Commissioner Borries that VC-16-86 be approved on first reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-17-86/Petitioner, Jagoe Homes, Inc.: Common known address of subject property is 5235 Vogel Rd. Property is currently zoned R-3 and petitioner is requesting change to P.U.D. Sanitary sewer and water are available, as is storm sewer. The present use of property is condominiums and proposed use is condominiums. This property was downzoned from C-4 to R-3 in November 1985 by APC and the County Commissioners. In both meetings it was noted that the developer planned to build 34 single story garden condominiums.

In response to query from Commissioner Willner, Mrs. Barbara Cunningham, Director of Area Plan Commission, offered comments (partially inaudible). Mrs. Cunningham said the developer cannot record this in accordance with requirements of the State of Indiana Horizontal Property Regime Act. In order for Jagoe Homes to be recorded, it must be considered a 0 lot line subdivision in a Planned Unit Development with the purchaser/owner of both land and improvements with a membership in a Homeowners Association for maintenance of common areas.

Commissioner Willner asked if anyone from Jagoe Homes, Inc. is present to speak to the matter. There was no response. The Chair entertained a motion.

Motion was made by Commissioner Borries that VC-17-86 be approved on first reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-13-86/Petitioner, Mose L. Henry: Common known address of subject property is 2518 S. Red Bank Rd. Property is currently zoned M-2 and petitioner is requesting change to R-1. It was noted that Mr. Mose L. Henry is the owner and the petitioner. He is requesting R-1 zoning so he can build single-family residence. The parcel was rezoned to M-2 in 1980 and single family residences are not permitted in an M-2 zone. Mr. Henry wants to construct a single-family residence to replace the existing single-family residence. Mr. Henry was present in the audience. The Chair entertained questions of Mr. Henry. There were none.

The Chair asked if there were any remonstrants in the audience concerning VC-13-86? There were none. A motion was entertained.

Motion was made by Commissioner Cox that VC-13-86 be approved on third reading, with a second from Commissioner Borries. The Chair then asked for a roll call vote. Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. The Chair declared motion carried with three affirmative votes. So ordered.

VC-14-86, Petitioner, William E. Davis: It was noted by President Willner that common known address of subject property is 321 N. Elm Street. Property is currently zoned R-1 and has a residence. Petitioner is requesting change to C-4 for purposes of residence and small auto repair shop. The property is located on the east side of Elm Avenue and Hogue Rd. Access/egress is on Hogue Rd. Property to the north (across Upper Mt. Veron Avenue) is M-3; to the east is C-1 and C-4. Surrounding property on south and west is primarily single family residential. President Willner said APC Staff Field Report indicates that EUTS recommendations should be followed. Mr. Davis said he estimates no more than two to four cars per day. Commissioner Willner said that Mr. Davis will need to figure out a way to turn around without backing out on Hogue Rd. Commissioner Cox said her big concern was the traffic along there -- and a way to get in and out of the property, because there is not too much room between the garage and the road now and there is a large ditch there. Would it be easier to obtain permission to tile that and make a run-across to the alley? Mr. Davis said he has not yet inquired about that, but that would be a simple solution to the problem. The Chair entertained further questions. There were none. President Willner then asked if there were any remonstrants present with regard to VC-14-86? There were none. A motion was entertained. Motion was made by Commissioner Borries that VC-14-86 be approved on third reading, with a second from Commissioner Cox. The Chair asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. President Willner said the petition was approved by three affirmative votes. So ordered.

President Willner said he would suggest that before Mr. Davis start business that he gets the turnaround completed -- whichever way he wants to go. Mr. Davis indicated that he would.

VC-15-86/Petitioner, William W. Spurling: The Chair recognized Attorney Mike Mitchell, who stated he was present for purposes of representing the petitioner.

Mr. Mitchell said this is a piece of property on north Green River Rd., which is 725 ft. frontage on N. Green River Rd. by 2,660 ft. The 44 acre parcel is currently zoned agricultural and petitioner is requesting change to C-4. The APC in their last meeting approved the recommendation of petition by a vote of 7 to 2, with one (1) abstention. He has handed to the Commissioners what is a plot plan which has been color coded re the surrounding property owners. To the north are the Hirsch heirs (and these people all have letters in the APC file, which are available to the Commissioners). To the east is the Weber property (who have consented to the rezoning). To the south is Miss Golden (who has consented) and the Greens and the Bethel United Church of Christ. Mr. Mitchell said he might say that in the audience tonight we have Mrs. Campbell, who is the president of the Council of the Church, and we also have Mr. Meier and his wife (and Mr. Meier is the president of the Board of Trustees of the Church). His client has entered into an agreement and the Church is here in support of the petition. Marked in yellow is Mr. Hatfield's property, which was previously zoned C-4 and they have not had heard from Mr. Hatfield one way or the other. Across Green River Rd. and to the west (marked in border of orange) is C-4 zoned property which is currently The Timbers Apartment Complex and Mr. Les Shively is representing the owners of The Timbers project, who are also in the audience.

The proposed project is a shopping center which will be in the front portion of the proposed acreage with an office complex proposed for the rear portion. There is an easement running through the middle of the property to SIGECO. The project architect is Virgil Miller and the consulting engineer for the drainage plans (and he believes the preliminary drainage plans have been drawn up) is Andy Easley. He believes they preliminarily met with the staff's recommendations re the drainage; but he is not sure about this. In any event, the submitted drainage plan is in the file.

As late as today, EUTS had a very succinct recommendation concerning when they would see the detailed site plan as to the location and the size of the curb cut. Since this afternoon (when he looked at the EUTS report) EUTS has issued a letter concerning their recommendations, which is a curb cut around 460 ft. south of Spring Valley Rd., to coincide with the entrance across from The Timbers, which will alleviate some problems there. They have also indicated acceleration and deceleration lanes. In addition to that, they have a recommendation re extending Spring Valley Rd. from the west to the east. In fact, Mr. Spurling would hope that this would happen. He has no problems with the recommendations, including the contributing of the necessary right-of-way for the extension of Spring Valley. They would stipulate to the site plan as to EUTS recommendations with the proviso that they really can't stipulate that they would participate in the construction costs until they know what they are. He doesn't know what they have in mind on that. But everything except the construction costs of extending Spring Valley Rd. -- and they stipulate to those recommendations.

Mr. Spurling will develop this property himself. He has been developing smaller business and shopping complexes and office complexes around the city and most of those have served to upgrade the neighborhoods in which he has constructed these projects. He is responsible for Sherwood Square at 220 S. Green River, which is kind of an English Tudor complex; the Woodland Center behind the Putt-Putt Golf Course (where Kabuki, Ambassador Travel, etc., are located); he took an old video game hangout across from Bosse High School and changed that into an office building at the southeast corner of Washington and Lodge Avenues. He also has taken a church on Morgan Avenue and built

that into an attractive office complex. In addition, he has purchased the old Bradford Lumber Company on North Weinbach Avenue and currently is developing plans for an office complex at that location.

The setback and how far back the actual center will be. We at least know that it is going to be east of the 90 ft. thoroughfare setback line and Mr. Spurling indicates to him that it might even set back further than that, because he wants to have landscaping and green space and that type of thing, which his architect is the type of architect who really wants to do that type of landscaping. The reason they do not have detailed plans -- they could go to the cost of having extensive renderings and making them looking pretty and all that stuff, but until they actually know and work side-by-side with the county and develop the widening of the road (and now they have a better idea with the EUTS report as to where they want the curb cut) they can then develop plans which will be compatible with the expansion/widening of North Green River Rd., and it all fit in, including the eastward expansion of Spring Valley Rd.

Another problem is that, from a practical standpoint, Mr. Spurling could not really sign up any tenants during the actual expansion while the road is torn up. Once the plans were solidified and the project started on the widening of Green River Rd., he would have a chance to start on his project -- after the plans have been approved and coincide with his shopping center being available for occupancy at the time that the road is completed -- so that they would have access to the property.

As he said, the Church is here and everyone else. He believes The Timbers had some concerns that they wanted to express. Attorney Mitchell said he and his client think it is going to be a quality project. They could have had some nice renderings, but, again, until you get down to the detailed site plans, Mr. Hatfieldthey don't exactly what is going into his property either. Until that is actually developed, he thinks that Mr. Spurling has satisfied the church with his commitment in writing; they will work with EUTS and the Area Plan Commission and all of the professional staff to have this as a very viable traffic non-congested type of facility, because Mr. Spurling doesn't just want to attract traffic out there either -- that would be a detriment to his project. Mr. Spurling is here, also, should the Board have any questions of him.

Commissioner Willner said they would talk with Attorney Mitchell first. EUTS recommendation says there should be one curb cut for the proposed 44 acres of commercial development. Does Mr. Mitchell agree with that? Attorney Miller said they will stipulate to that.

Commissioner Willner said it says that the curb cut should be located approximately 460 ft. south of the centerline of Spring Valley Rd.---to line up with curb cut of The Timbers Apartment Complex. Does Attorney Mitchell agree with that? Attorney Mitchell said they will stipulate to that.

Commissioner Willner asked, "Acceleration/deceleration lanes?"

Attorney Mitchell said, "We will stipulate to that."

Commissioner Willner asked, "What about the extension of Spring Valley Rd.?"

Attorney Mitchell said, "We will stipulate to the granting of necessary right-of-way. On the construction costs, they might come in and say they want us to spend \$1 million, which we couldn't afford. But we will work with EUTS on that and leave that door open. But we will stipulate that we will grant any right-of-way from the north boundary of our real estate that is necessary. We stipulate that we will grant the necessary right-of-way to let the road extend through our property."

In response to query from Commissioner Cox as to whether they agree to participate in cost, Commissioner Willner said, "I don't really think I can ask him to do that." Mrs. Cox said, "Well, we've asked other developers to do it." Attorney Mitchell said, "It depends upon the size of the project, etc." Commissioner Cox said, "The thing of it is, he has to see how this is going to develop out there and I am sure for his own needs and uses he would want to extend it as development occurs. He can participate, Bob, you know, at a later date."

Attorney Miller said, "If it is not all on his right-of-way, he may not be able to bear the full cost. Maybe somebody from the north would bear a portion or half --they don't know what the participation might be (25%-25%-50%, or what). There will be other property owners involved besides Mr. Spurling, as that road hovers right down the north boundary of his property."

Commissioner Willner said, "That is correct that is why I don't think I can ask for a commitment now."

Attorney Mitchell said, "If right-of-way is needed from this property, we stipulate that it will be gratuitously conveyed to the county."

Commissioner Willner said he believes we need something in the minutes with regard to stipulated site plan, showing that right-of-way.

In response to query from Commissioner Willner, Attorney Mitchell stated, "As you extend Spring Valley, some engineer has to go out and shoot the lines on that -- but however it drops on our property, yes, we will participate in a granting of the necessary right-of-way."

Commissioner Willner said, "A complete drainage plan to be submitted and approved by the Drainage Board, prior to the issuance of a zoning use permit or the building permit?"

Attorney Mitchell, "Yes, we stipulate to that."

The Chair entertained questions of Attorney Mitchell. There were none.

The Chair entertained questions of Mr. Spurling. There were none.

Commissioner Cox said, "My concerns were not knowing exactly what was going to happen and I think I have the answers to my questions I had. I think the fact that the church is supporting this rezoning (they had quite a few concerns regarding the other granting of a C-4 zoning) and I'm glad you have established a working relationship with Bethel United Church of Christ, which is a beautiful facility out there. And I'm sure you will develop the property in that good taste."

Attorney Mitchell said, "That is what Mr. Spurling has agreed to in writing and I have talked with Mr. Powell today (he represents the church) and we went over the technicalities. (should this be approved) to protect the church and the recording of the agreement."

Commissioner Cox said that this, along with the fact that Mr. Spurling is going to develop the property himself (and she has all this written down on a piece of paper) alleviates the concerns she had.

Attorney Les Shively was recognized by the Chair and approached the podium. He said, "There are some other concerns which need to be brought to bear. I don't want to give a history lessor or anything along those lines, but about twenty-some-odd years ago the Indiana General Assembly very specifically gave local

governments (particularly Vanderburgh County via the Area Plan Commission system the right and opportunity to develop and to codify development standards here in Vanderburgh County). And as many of those present know, the zoning code for Vanderburgh County is extremely thick; and it addresses more than just classifications, whether it is C-4, R-1, agricultural, R-3 -- it talks in terms of setback requirements. It talks in terms of parking requirements; it talks in terms of within various classifications what are the appropriate uses of that particular area. I was somewhat shocked myself when I looked at the zoning code and noted that under the C-4 classification (which Mr. Spurling is seeking) there are 189 different uses allowable; everything from a liquor store to a welding shop.

Another thing that the Indiana General Assembly did is something that very few states in this country have done. They vested with the Legislative Authority (the people directly answerable to the citizens; the people who pay the taxes; the people who support the services of this community) -- they vested in them the ultimate veto or approval for changes of zoning classifications...changes of the Comprehensive Zoning Plan.

Now I'm here on behalf of Edward Rose Company, an Indiana-based partnership, one of the largest developers of multi-family housing projects and office building complexes in the State of Indiana. They are used to complying with local zoning ordinances and regulations throughout the State. In fact, back in 1978 when they began development of The Timbers project which, when completed, would have 450 apartment units, they had to submit to you all and to the Plan Commission a detailed site plan for their project involving approximately 26 acres. Their total investment will be \$13.5 million. Sugar Mill Creek Townhouses (directly across Green River Rd. from The Timbers) is another quality multi-family type housing project which is also represents an investment of about \$12 million. I have personal knowledge of the fact; I represent a particular petitioner. We also submitted on rezoning of both Phase I and Phase II of that project detailed site plans. The total acreage of both of these projects is almost equal to what Mr. Spurling is asking you all to rezone cart blanche with no plan, no statement as to proposed uses to go into that property.

The Timbers has already most recently experienced problems with the inadequacy of the sanitary sewer system out there. We have more problems than just traffic. We have an area that is growing commercially; it is growing residentially. The support services are not adequate to handle all that development unless we know what is going in there and handle it in increments and step up the support services to meet that growth. You can't do that with a naked plan that says, 'I'm going to take 44 acres; I'm going to do it C-4; trust me. Those 1, 2 or 3 of the 189 uses we choose will be appropriate and adequate for that area.' I think this Commission also owes something to those people who have already invested \$26 million in that area; who have helped to upgrade the support services in that area; who had to dedicate right-of-way; that had to build (at their expense) the access roads and roads within their complexes -- not only build them but maintain them at their expense. I think this commission owes something to those people. Mr. Spurling (as recent as August 1, 1986) in a conversation with Mr. Mike ...?....(who is present this evening from Edward Rose & Co.) that he had no plans to develop that area or anything specific until the Green River Rd. widening project was more definite. The best I could read from seeing the EUTS reports and reading the newspapers is that that won't be definite until 1987. Yes, before they get a building permit they will have to come back to the Area Plan Commission staff (not you all, but the APC staff) and internally get approval of what they're going to do there before they get a building permit. But when they do that, Barbara Cunningham and her fine staff may not be there. Who knows who is going to be there? Furthermore, it won't come back to you folks. You will have no say-so re the approval of that site plan. That will be done internally by a bureaucratic group

of people at non-legislative forum. Harking back to what I said before, the Indiana General Assembly saw fit to give you the authority to dictate how your county grows; to make sure that it grows in a quality manner. If you all this evening decide to rezone this property without knowing any of the details, without knowing what is actually going to go there, I think you are setting a precedent; you are saying, 'I don't think Vanderburgh County is really into comprehensive planning in a detailed quality manner.' I don't have to remind you of how many problems we been faced with by having to go back after the fact and repair and address problems. Green River Rd. south of this particular area is living proof. First Avenue to the north is living proof. Quality growth happens when you know what is going there and you plan with it -- not after the fact. We're not opposed to these people developing the property and doing it in a quality way. We are saying, 'Let's play by the rules applicable to all the developers out there and let's all be responsible to those who committed capital and the support services that are out there right now. I don't think that's too much to ask. We simply say that this particular proposal at this time is premature; we want to see more plans; we want to see more details; we want you all to be in a better position to carry out your legislative function.

Before I conclude, I'd also like to introduce this evening Mr. Don Williams, general partner of Edward Rose & Co. and Vince Sprague, the manager of the local apartment complex here in Evansville. We'd more than happy to answer any questions the Commissioners might have at this time.

The Chair entertained questions of Mr. Shively.

Commissioner Cox asked, "Mr. Shively, were your clients required to submit a specific site development plan before being being allowed to make a request for the rezoning?"

Mr. Shively responded in the affirmative. He did not represent Edward Rose & Co. at that time. (Mr. Williams verified that Attorney Gary Gerling represented the firm at that time.)

Commissioner Cox continued, saying, "Many times developments come to the Commissioners on first reading then to Area Plan. I served on there for four years and they have very specific site plans that go along with them. And I was wondering (I've been on this Commission 5-1/2 years) and I don't remember ever demanding of a petitioner to submit all of this complete before an action was considered.

Mr. Shively said that, according to Mr. Williams, it was required at the time they filed the petition. He said he would also note that a detailed drainage plan, detailed site plan showing all elevations, etc., (the petitioner had expended to close between \$7,000 and \$10,000) was required for the Golden Towers on the west side of town before the petition was approved. He would also note the contrast. In R-3 rezoning there are only so many things you can do. (it's multi-family housing or multi-family housing). The C-4 context lists 189 things you can do and he thinks this is even more reason why a detailed plan to help the Commissioners appropriately guide this community, as necessary.

Mr. Williams said he is involved in zoning pretty much all over the country. And almost always they require very specific plans --and a lot of times there are specific covenants that run to the land that say exactly how that is to be developed; that is very common all over the country. He is involved in one right now in Illinois. He personally feels that it would behoove this county to know what is going in. He is not objecting to the C-4 zoning, don't misunderstand him. His objection comes in from the fact that he does not know what is going in there. The zoning is speculative. (inaudible comments). But the fact of the matter is that he doesn't know what he wants to do with it. As mentioned, it could be a welding shop. Edward Rose has a big

investment and they have a nice project. They'd like to know what is going in. He's not saying that a C-4 zoning is incorrect. He's just saying that it is premature; that he should come in with specific plans and state, "This is what I'm going to do."

The other problem concerns the sewers. The Timbers had fifty (50) units flood during the last big rain. The city's lift station broke down and theirs couldn't handle it. They burnt up a pump. There is actually an open sewer into the ditch that runs through their property. When the city sanitary sewer overflows it flows into the open ditch. They have complained and complained about it, but nothing has been done. So there is an inadequacy in the sewer that needs to be addressed.

Commissioner Willner asked the secretary if she got the name and address? She responded in the negative. Commissioner Willner asked that Mr. Williams approach the podium and state his name and address. He urged that from now on if anyone in the audience speaks that they step to the microphone. The secretary experiences terrible difficulty in trying to pick up statements from the audience.

Mr. Williams identified himself as "Donald Williams of 7901 Crawfordville Rd., Indianapolis, IN 46204". He stated that he is with Edward Rose & Co.

Commissioner Cox said she wants to comment on what Mr. Williams said. She, too, felt the same way that Mr. Williams now feels. She felt this way when this petition came to the Commissioners on first reading a month ago..not knowing what is going in there. We do know it is a growing area and there are commitments for rezonings that have been made out there that are yet to be developed, which will add another load on the existing facilities. "Tonight I think the developer, in good faith, whether he wants to stipulate it in a site plan or stipulates it by question and answer as to what they're going to do in this area has given me an indication that it isn't a speculative type of rezoning (which we had one of these out on the corner of Red Bank Rd. and Highway 62 just within the past two months). We didn't know what was going in there and now there is a "For Sale" sign on it, zoned "C-4". That looks bad to me. At least I think we have a commitment from a man who is a citizen here, who has done development in this area previously, and that is why I do not have those same reservations that you are telling me about tonight -- even though I did have them a month ago. I can understand what you are saying. Again, to me, an office building and a shopping center shouldn't generate the number of toilet flushes and the needs for water and bath tubs and everything that this type of development would.

Attorney Shively said he and his clients are certainly not questioning Mr. Spurling's lack of good faith. He doesn't think that is the point and he doesn't want anyone to think otherwise. What they are trying to do is put this petition and the issues that come with this petition into proper spotlight not in view of what is happening in west side development, but what has been happening in this particular area, what has been the investment in this particular area. Certainly no one questions Mr. Spurling's good faith. He comes before you at this time with a very sketchy plan; and they know the reasons for it. That is not bad faith; it's just where things stand today. These gentlemen from Edward Rose & Co. are not down here to stop a C-4 zoning; they are down here to seek answers.

The Chair entertained further questions of Mr. Shively. There were one.

Attorney Mitchell again approached the podium and said, just to answer some of the concerns here. The sanitary sewer will be down the east side of Green River Rd. and this project will not affect whatever sewer the apartments are on and it runs down the east and thence into Old Boonville Highway. As can be seen from the

plans, the storm drainage will run off to the rear (to the east) and there won't be any overload into their particular system as it stands now. In response to comment made earlier by Mr. Shively, obviously his client is not going to spend this kind of money and develop the area into welding shops. "I would say that you all will have another shot. You are fortunate in the way that you are constructed in that you will have the drainage plan and you will also see site plans and everything else. So you have another shot before any permits are issued and you will see at that time whether we are in good faith and construct and develop the project as they have stated.

The Chair asked if there is anyone else in the audience who wishes to speak?

Mr. Vince Sprague (3249 Tamarack Ct., The Timbers) was recognized by the Chair. He identified himself, stated his residence address and said he is presently Manager at The Timbers Apartment Complex. Currently, the sewer system from the church runs north on the east side of Green River Rd. and ties into a force main that runs down the northwest side of Spring Valley into the main that feeds Valley Downs. The lift station back on Stockwell Rd. is the one that takes care of The Timbers, Aluminum Wholesalers, Mr. Lutz' property, Green River Manor and the Church. This lift station has given us problems since 1978. He has talked to Mr. Borries several times re the matter, trying to get some answers and get some matters resolved and worked with him. But, unfortunately, the matter never did get resolved and they're still experiencing problems. As Mr. Williams has stated, they have lost three or four very expensive sewer pumps back there due to the fact that the city lift station goes down, burning up their pumps by creating backburst from the lines. Unless Mr. Spurling is planning on bringing in a new sewer system (a sewer that would service this 44 acres), then the 44 acres would tie into the sewer on Stockwell Rd. lift station. There have been several city sanitation workers out to look at the station and they say it is grossly inadequate for the number of houses and businesses that are back in that area, including The Timbers Apartments, but they say the city does not have the budget to replace it and nothing can be done. Their lift station was also supposed to have been taken in by the city right after they finished construction. To this date it still has not been taken in under the city's wings. An engineer who came out and looked at the lift station also stated that it probably never will be, due to the fact that the city has experienced so many problems with the lift stations that they specify, which is a hydromatic system, and Mr. Sprague said he thinks it is very unfair to the people who live out in that area. When the city lift station goes down, it pumps raw sewage into their creek back there (because everybody smells it) and he thinks it wouldn't be very fair to them if any additional load was put on that lift station before it gets upgraded. That's all he has to say.

The Chair entertained questions and comments.

Commissioner Cox said she has a question. She has conflicting notes here on this sanitary sewer line. Is it going to go into the Stockwell Rd. lift station, as indicated by Mr. Sprague?

Attorney Mitchell said Mr. Spurling said he was told by his engineers that it would go to the rear of his property and tie in with Sugar Mill Creek, etc., on Old Boonville Highway.

Mrs. Cox asked, "But the church's goes to Stockwell lift station?"

Mr. Spurling responded, "It is part of our agreement with the church that we will allow them to tap into our sewer system when we develop the property so that they won't have to use The Timbers sewer lines."

Commissioner Willner asked, "They've experienced troubles, too, is that correct?"

Mr. Spurling verified that this is correct.

Commissioner Cox asked Mr. Spurling who his engineer is?

Mr. Spurling said that Andy Easley is.

Commissioner Willner said he knows that many years ago when he first experienced speculative zoning, he was a little afraid and apprehensive like everyone else is. He understands that it is a part of our planning or laws in the State of Indiana to allow people to speculative zone. So, having said that, Mr. Spurling is perfectly within his rights to request this. He thinks this Commission needs something more than it has seen here tonight to deny this. The Commissioners will get another shot at it as far as drainage is concerned. He was unaware that we had a problem with the sewers in the area and he thinks we very definitely need to update those. He has problems with that. If we have a problem, we need to address it and see what the solution is going to be.

Commissioner Borries said he voiced those concerns to city officials and he knows that Mrs. Cunningham is beginning to look at this entire area of growth with a very detailed look. He thinks that any development occurs here, we're going to be very careful that these facilities are not only upgraded, but that they are going to be adequate to meet that growth. It's a constant struggle on the part of government, as he sees it, to work with private developers and agencies in order to provide opportunities for economic growth in this community. History is also littered with fiascoes where there are numerous public works projects that probably don't meet public needs simply because a private individual/developer has changed his/her mind and has not developed something. Thus, he thinks it is going to be very important for us to work with that.

Commissioner Willner said there was even a greater problem in the east side some eight or ten years ago. This Commission actually considered a moratorium for building on the east side and that was due to drainage problems -- and we decided that that wasn't what we really wanted or needed or even should consider, he guesses. So they got down to the business of drainage and decided there should be no more run-off of this piece of property after the construction than there was before. He doesn't know whether it is perfect, but it is a lot better than it was. He thinks it's working. In fact, the last big rainfall we had we experienced problems on the west side, not the east side. So something has done some good and we didn't stop the building in Vanderburgh County. So if we have a sewer problem we need to face it. We need to get it straightened out. Certainly it is a city problem, but we need to help them solve that no matter what it takes. So he is not sure that we could even legally turn this zoning down unless we had something on which we could hang our hats as to reason why we shouldn't do this. As he said, the Commissioners have another shot at it re the drainage and they will certainly see that that is adequate. He is not sure yet on the sewage which way it goes. But before there is another building put up on that property he is going to be assured of which way it is going to go -- and he is sure that Area Plan is. If they don't, we've fumbled the ball.

Mrs. Cunningham said that "covenants" were mentioned earlier. As the Courts have proved and the attorneys will tell us, covenants are not enforceable in the State of Indiana. Courts have ruled against them. As far as the site plan, a body shop could go in or a beautiful building in a C-4, as well as anything else.

Mr. Williams said that covenants are used in the State. They are used in the City of Indianapolis all the time.

Mrs. Cunningham said they have a different type of plan commission; they have a Metropolitan Plan Commission. We are an Area Plan Commission. There are three different parts of the law dealing with plan commission (Area, Advisory and Metropolitan).

Mr. Williams said that just recently he had to enter into some covenants with the City of Indianapolis for an office building and he has to comply with those covenants if he is going to develop the site; he has to submit detailed site plans and everything.

Mrs. Cunningham said that Indianapolis is completely different.

Mr. Williams said it is also common in other states.

Mrs. Cunningham stated, "It is common in other states; not here."

Commissioner Cox said, "I think we need to get a definite answer on this sanitary sewer and the problems it is causing. I personally have been sued for \$1 million for voting 'No' on a development for a subdivision out on the southeast side of town where the sanitary sewers were backing up and overflowing into the streets -- and I was sued for voting 'No'. A technicality on which we could hang our hats is the only thing that saved us, I guess. I find this unbelievable. But this is what happens when you try to take these things to court. I am in complete sympathy here with the gentleman from The Timbers and the problems out there. I think we need to push. We can talk about incentive to get businesses here; we can talk about tax abatement; we can talk about economic development bonds. But unless we have our community ready for development, it is not going to occur. They gave us a plan; it passed; it was supposed to work. Now it doesn't work and they're having a lot of problems with sanitary sewers. I find this inexcusable as far as government is concerned. And if it takes committing some of these funds to get the problem corrected, I think we need to do that. I'm not sure right now where Mr. Hatfield's sewer is going to be. I don't know if it's going in with theirs or not. If it is, than that is a greater impact. It's really kind of a slap in our face to find out that something we thought (and were told by the experts) would work is not working. And I think we need to get this corrected. I would also like an opinion from an engineer as to what is going to happen to this sanitary sewage coming from this property. Would a 30 day postponement hamper your plans in any way, Mr. Spurling?"

Commissioner Cox requested that County Engineer Andy Easley approach the podium. She stated, "We've had some differences of opinion on what is going to happen with the sanitary sewage from this proposed C-4 rezoning -- whether it is going to go to the Stockwell Rd. lift station or to the Boonville Highway lift station."

Mr. Easley responded, "I really don't know what has been proposed for that as far as the sewage flow. It probably could go either way. There is a map here which shows that it was supposed to go easterly and southeasterly to the Old Boonville Highway. If that is satisfactory to the sewer department, if they feel that station has adequate capacity, that is probably the way it would go."

Commissioner Cox asked, "What if it doesn't have adequate capacity?"

Mr. Easley said the Sewer Department has their own engineers and they normally know how long the pumps are running and how hard they're working."

Mrs. Cox said, "I think that we would need to get a report from the Sanitary Sewer engineer. We were told that you were handling..."

Mr. Easley said, "Well, Mr. Fitzsimmons of my office has been working on that and I personally have not been involved in it."

Attorney Mitchell interrupted, "We'll stipulate; wherever the sanitary sewer is supposed to be run to it will eliminate that problem -- we have no qualms where it is going to be run. In fact, we were planning on running it all the way east to the rear and tying in with the Eagle #3 pump on Old Boonville Highway as I originally stated. And if that is not what happens, then we'll hold up the site plan and everything else. But we'd like to get the plans to start developing so we can move forward on the project."

Commissioner Borries asked, "You're saying, Mike, that Mr. Spurling had also contacted the church and that their sewer at that time would tie in with any sewer he builds?"

Attorney Mitchell responded, "That's right. By our written agreement we're taking the church off the same flow that goes into the one The Timbers is using."

Commissioner Willner said, "You'd stipulate that?"

Attorney Mitchell said, "It is going to be recorded -- it's Paragraph #3 of the agreement. As I understand it, we were going to go to the Eagle pump station on Old Boonville Highway."

Commissioner Willner asked, "It would actually help relieve theirs, is that correct?"

Attorney Mitchell said, "It would at least relieve the church's portion."

Commissioner Borries commented, "I think we would just have to say at this point that if the rezoning is approved, it just can't go that way. They'd just have to stipulate to that." The Chair entertained further questions.

Attorney Shively indicated he wished to speak and was recognized by the Chair.

"I just wanted to comment re the comments made earlier by Mrs. Cunningham re the difference in the zoning laws in Vanderburgh County. Mrs. Cunningham is correct; there are three categories (Area, Advisory and Metro). There is only one Metro in the entire State of Indiana. The Metro Advisory and Area mainly deal with jurisdictional matters. Metro is very similar to Area, but only addresses the fact that the unit of government embraces many counties and townships. So I don't think it is that different from the Area plan situation..

Attorney Mitchell said, " Another comment; we would stipulate that the zoning tonight (if you want to go ahead and vote on it) would be conditioned upon the fact that the sanitary and storm sewers would not tie in to whatever system it is over there. That it would have to tie in to another system, subject to engineering approval; but we would not tie into that one. Obviously, they have a problem. And we're agreeable to that."

Commissioner Cox said, "My point is that I'm not sure that the one at the lift station down on Boonville Highway -- that those people don't have a problem. I didn't know that you people had a problem until tonight -- and that is why I was saying that if we could get the City Engineer's office or the Sewer Department (who is the responsible party for this) to assure us that there is capability to serve this 44 acre tract with the proposed development that is there now of a Shopping Center and office buildings behind that, with some more to be developed later-- it might come to the point where he wants to develop the other part and there is not going to be sewer capacity to take it."

Attorney Mitchell said, "I guess what I'm saying is that if we stipulated that there is not going to be a building permit or zoning use permit until he can tie in (because he can't get one if he can't tie in) -- so I have no problem in stipulating to that. You can wait and see what that report is. But we will not tie in to that sewer over there. We'll tie into any sewer that has the capabilities. If there aren't any capabilities, we aren't going to be able to get a building permit anyway -- and then there is going to have to be some upgrading of the sewer system before Mr. Hatfield or my client can develop property. Because they can't let us tie into something that is going to be an overload. At least that has been my experience."

Commissioner Borries said, "The sewer department has assured these residents in the eastern part of the county that there will be sanitary sewers run in that area before I-164 (maybe we should say 'if' -- I don't know how that project is going to go now) is completed on that south end. The sewer lines will be in place for the sanitary sewer before the road comes through, otherwise you're talking about an enormous amount of money to ever go into that Interstate Highway."

The Chair entertained a motion.

Mrs. Cunningham interrupted. "I don't know if you intend to take the last statement of Mr. Mitchell on what they would agree to. If you do, he would have to present that as part of a stipulated site plan as a Section 4."

Attorney Mitchell said, "Whatever that is -- and then we would tie in to whatever sewer system is considered feasible by the Staff Engineers of the Sanitary Sewer Department or whoever reports to Area Plan."

Mrs. Cox asked, "My question is, 'What if you don't find one that can take the capacity?'"

Attorney Mitchell responded, "We can't develop then."

Mrs. Cox asked, "Are you going to come back and sue us?"

Attorney Mitchell said, "We're not going to sue you. It's up to them to get the problem solved."

Commissioner Cox said, "I think it's kind of dumb for us to do it when we don't know."

Commissioner Willner said, "I think you said it. I don't think there is going to be any building happen unless that sewer problem is worked out. It's just that simple."

The Chair entertained a motion. Motion was made by Commissioner Borries that VC-15-86 be approved, with a stipulated site plan, Drainage Board approval and Section 4 re the sewers included -- all completed before any building can occur, with a second from Commissioner Cox. Commissioner Willner said the motion has been and seconded for approval and he request a roll call vote: Mrs. Cox, no; Commissioner Borries, yes; Commissioner Willner, yes. Commissioner Willner said VC-15-86 is approved, with two affirmative votes. He advised Mr. Spurling that he would hope that Mr. Spurling will work with the County via the guidelines that have been set up and be a good neighbor.

Attorney Shively requested that he receive a copy of the ordinance passed so that he, in turn, can forward a copy to Edward Rose & Co. (Commissioner Willner asked that Mrs. Cunningham take care of that.) Attorney Shively said he wants to thank the Commissioners for the time they spent on this matter. He believes it is a step in a positive direction.

Commissioner Willner said, "Just for the record, Urban Transportation says there will not be an additional median cut on Green River Rd. That was kind of a controversey this afternoon -- that Green River Rd. was going to have an additional median."

RE: REQUEST FOR VACATION OF PUBLIC UTILITY EASEMENTS/PEACH BLOSSOM LANE

President Willner said he has a Petition to vacate three (3) Public Utility Easements on Peach Blossom Lane and the Board needs to set date for Public Hearing date. In response to query from Commissioner Willner, the County Attorney advised that this needs to be advertised twice. It was determined that Notice re vacation will be published on Friday, August 22 and Friday, August 29, with Public Hearing scheduled September 8th at 2:30 p.m. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered (Commissioner Willner asked that Joanne Matthews handle this.)

RE: COUNTY ATTORNEY - DAVID JONES

Vehicle Inspection Fees: Attorney Jones said the Sheriff's Department asked that he look into a service fee in connection with certain inspections of motor vehicles which are required to be performed with respect to salvage titles, etc. The Board will recall that they passed an ordinance in May of 1984 that provided for \$5.00 inspection fee for inspection that is required under provision of the Indiana Code that has to do with inspection required prior to registration. It has since been determined that there are other provisions of the Indiana Code requiring different types of inspections. In addition to that, he has been advised by members of the Sheriff's Department who are involved in these inspections that the previously set fee does not fully cover the cost to the County for performing the inspections, because some of these inspections, for instance, require taking photographs of vehicles or vehicle parts in addition to the forms used and other things that are done. It was suggested by them that the fee be increased to \$10.00 and they wondered about an ordinance that would cover these other types of inspections. What he has done (and he also consulted with the City Attorney, because the City passed a ordinance around the same time; it is a little broader than the County's). He had a draft prepared today (it is not yet ready for the Board's perusal). However, since next week will be David Miller's turn to attend the Commissioners' meeting, he wanted to explain the matter to the Board today what he has done. He should have it back to the Board by the next meeting for their consideration. Basically, this ordinance replaces the prior ordinance and expands the prior ordinance to cover basically any and all types of inspection required by Deputy Sheriffs to be performed on any type of vehicle, including anything that should come up in the future. It also increases the the service charge from \$5.00 to \$10.00.

RE: COUNTY ENGINEER - ANDY EASLEY

Claims/Hoosier Abstract Corp.: Mr. Easley said he has claim to Hoosier Abstract Corp. for four (4) 20-year Certificates of Title which they prepared for the rights-of-way in connection with Heerdink Lane project (which we obtained for the State). Each title certificate cost \$130.00 for a total of \$520.00. It is his recommendation that the claims be paid. The Chair entertained a motion. Motion was made by Commissioner Borries that the claims be allowed, with a second from Commissioner Cox. So ordered.

RE: STREET PLANS - COUNTRY TRACE SUBDIVISION

Mr. Easley said he has a set of street plans for approval for Country Trace Subdivision, which is at the northwest corner of Burkhardt Rd. and the Old Boonville Highway. These plans contain sanitary sewer, grades, etc. He needs the Board's approval on

streets and storm sewer construction. He has reviewed the plans. He doesn't know whether Bill Jeffers has seen these or not. He would assume that they followed the drainage pattern approved by the Drainage Board. These are street plans, which also have storm drainage pipe in them.

Commissioner Willner asked, "Have the drainage plans for that subdivision been approved?"

Commissioner Cox responded, ". Yes, we approved them with the drainage pipes down the middle of the road, a retention basin, etc."

Commissioner Willner said he doesn't think the surveyor would look at them unless they were drainage plans. Mr. Easley agreed.

Mr. Easley showed the Commissioners the plans, explaining the inlets, retention basin, drain line to ditch, etc. He said there will be a Homeowner's Association, which is to handle maintenance, etc.

Discussion turned to the streets. Question was raised as to whether possibly each two (2) lots could have one (1) driveway? This way, there would only be one (1) ingress/egress or three (3) along the entire line. Commissioner Willner asked, "We're going to approve the road plans, why don't we stipulate that that is the way it will be done? We should include the condition that each two (2) lots have one (1) driveway. Following further comments, it was the consensus that Mr. Easley should obtain clarification and bring this back to the Commissioners next week.

RE: STREET PLANS - EASTLAND ESTATES, SECTION "D"

Mr. Easley then submitted street plans for Eastland Estates, Section "D", Mr. Bud Bussing's project (north of Pollack). The Board perused the plans. The Chair entertained a motion. Motion was made by Commissioner Borries that the plans be approved, with a second from Commissioner Cox. So ordered.

RE: COMPUTER MAINTENANCE CONTRACT

It was noted by President Willner that Mr. Jim Lindenschmidt has a quote on a computer maintenance contract from Schmitt Refrigeration & Air Cond., Inc.

Mr. Lindenschmidt said this is for Room 205. We experienced problems with the air conditioning. As Superintendent of the County Building, he is responsible for the bills there. He talked with Schmitt re getting regular maintenance. They sent in a quote on a 60-day maintenance contract covering eleven (11) different items. Also, under this contract, if we have to call after hours, we get the standard rate of \$29.50 per hour and the cost for this is \$45.00 every sixty (60) days. In response to query from Commissioner Willner, Mr. Lindenschmidt said the Building Authority does not take care of this; this comes under jurisdiction of Superintendent of County Buildings.

The Chair entertained a motion. Motion was made by Commissioner Borries that the agreement be signed, with a second from Commissioner Cox. So ordered.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

Commissioner Willner submitted the monthly report from Alexander Ambulance Service for period ending July 31, 1986.....report received and filed.

RE: HOLIDAYS - 1987

President Willner submitted the following list of Holidays for 1987 for approval:

New Year's Day	Thursday, January 1
Martin Luther King, Jr. Day	Monday, January 19
Presidents' Day	Monday, February 16
Good Friday	Friday, April 17
Primary Election Day	Tuesday, May 5
Memorial Day	Monday, May 25
Independence Day	Friday, July 3
Labor Day	Monday, September 7
General Election Day	Tuesday, November 3
Thanksgiving Day	Thursday, November 26
(In lieu of Columbus Day)....	Friday, November 27
Christmas Eve (In lieu of Lincoln's Birthday)	Thursday, December 24
Christmas Day	Friday, December 25
New Year's Eve (In lieu of Veteran's Day)	Thursday, December 31

NOTE: New Year's Day will be observed on Friday, January 1, 1988, and will be included in the Holidays for 1988.

The Chair entertained a motion. Motion was made by Commissioner Borries that the County Holidays for 1987 be approved, as presented, with a second from Commissioner Cox. So ordered. Commissioner Willner explained that the Courts have been requesting the holiday schedule so they can set their calendar.

RE: POOR RELIEF - PIGEON TOWNSHIP

The following letter was submitted by Commissioner Willner, with regard to Mr. Gilles, poor relief applicant who was here last week:

August 18, 1986

TO: THE COUNTY COMMISSIONERS

RE: CLARENCE GILLES

Per phone call, P.I.C. has advised that they will not know if Mr. Gilles is eligible for their program until Wednesday or Thursday of this week. They will send me a letter to that effect.

I mailed a letter to his doctor on August 12th and as of this date I have not received an answer.

Mr. Gilles has failed to bring in a list of the places where he has applied for a job. I tried to call his landlady to remind him to bring in this list, but she didn't answer the phone. I also made a home visit and no one came to the door.

Per phone call to the main office of the Western Sizzlin' Restaurant, they report that according to their records Mr. Gilles worked May 7th and 8th, 1986. After they talked with his manager, they called me back and said Mr. Gilles' job was to wash dishes and put them in a tray. Mr. Gilles told the manager that he couldn't do the work and he did not tell the manager that he had chest pains or that the work was too heavy.

Nancy Walters, Investigator

RE: COUNTY HIGHWAY

President Willner submitted reports from the County Highway as follows: Work Reports for Bridge Crew and Employees at the County Garage; Absentee reports for Bridge Crew and Employees at the County Garage.....reports received and filed.

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. Commissioner Cox queried the Board on action re reimbursement by Posey County to Vanderburgh County for section of St. Wendel Rd.? Mr. Willner said he doesn't think this has been done yet. In response to query from Commissioner Willner, Mr. Easley said he believes they started on this today. Mrs. Cox said she didn't hear any action taken on Mr. Easley's proposal. Mr. Easley said Posey County said they thought it only fair that they pay for that portion. Commissioner Willner said he was under the impression that we were going to come to the line and see how many tons it took, then make the decision. This was his understanding. Mrs. Cox asked, "You mean we're all in agreement that they should pay for this then? Commissioner Willner said, "Let's see what we're talking about. We will not send them a bill on an estimate; we'll wait to see what it takes. Mr. Easley said they offered to send someone out to look at the weight tickets as the trucks delivered and note the tonnage. Mrs. Cox said, "That is o.k., just as long as we're going to get the money from them. Commissioner Cox said she'd like to recommend that the County use that money on Mahrenholtz Drive (a very short section) and also on Walnut Rd. (another short section). She knows that some of our advertised projects have come in under bid and we have a little extra money there.

Commissioner Willner said, "We're going to get it." Mrs. Cox said, "It wasn't on the list." Commissioner Willner said the County Garage also has some money left. Mrs. Cox said, "Then let's get it on the list -- Mahrenholtz Rd. and Walnut Rd. -- off Schutte.

Hogue Rd. Shoulder Work: Mrs. Cox said the shoulder work on Hogue Rd. was started Friday. They did a bit, then stopped -- and have not been back out there yet. Did the equipment break down or what? We need to get those shoulders done so people don't run off and ruin the edges of the pavement that Rudolph put down. She will call the Garage on that tomorrow morning.

Damages by SIGECO Sub-Contractors: Has anyone heard anything more re the damages done by SIGECO sub-contractors on Smith-Diamond, West Franklin, Schraeder Volkman? Mr. Willner said they have been back out on Volkman and Schraeder once -- and he does not know about Smith-Diamond. But he understands they are going to come back again. We need to continue to stay on that. Mr. Easley needs to check on Smith-Diamond every once in a while.

Mr. Willner asked that Mr. Easley continue to stay in contact with SIGECO re the damages on these four roads..

RE: SCHEDULED MEETINGS

Thursday August 21 County Council re 1987 Budget

It was noted by Commissioner Willner that the Council will hear the 1987 budgets three (3) times.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Eric Buerger	Ground Crew	\$4.00/Hr.	Eff:	7/16/86
Frank Current	Ground Crew	\$4.00/Hr.	Eff:	7/16/86
Bernie Farone	Ground Crew	\$4.00/Hr.	Eff:	7/27/86
Arthur Pagett	Union Emp.	\$7.68/Hr.	Eff:	8/6/86
Jill McNaughton	Extra Guard	\$3.35/Hr.	Eff:	8/8/86

Burdette Park (Releases)

Kevin Wynn	Ground Crew	\$4.00/Hr.	Eff: 7/27/86
Lori Bulla	Extra Guard	\$3.35/Hr.	Eff: 5/19/86
Jeff Richardt	Extra Guard	\$3.35/Hr.	Eff: 7/27/86
Barbara Ruff.....	Extra Guard	\$3.35/Hr.	Eff: 6/30/86
Eric Buerger	Ground Crew	\$3.50/Hr.	Eff: 7/15/86
Frank Current	Ground Crew	\$3.50/Hr.	Eff: 7/15/86
Arthur Pagett	Ground Crew	\$4.35/Hr.	Eff: 8/5/86
Kristi Krietenstein	Rink Guard	\$3.40/Hr.	Eff: 8/4/86

County Board of Review (Appointments)

William Browning Lay Bd. Member \$45.00/Day Eff: 8/12/86

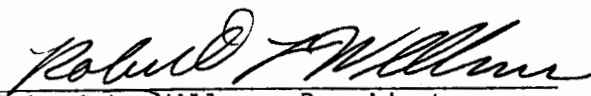
County Board of Review (Releases)

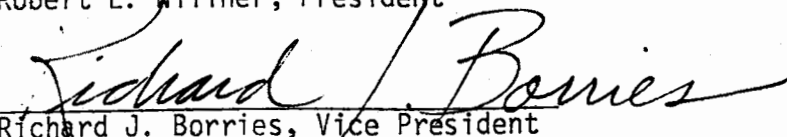
Don Compton Bd. Member \$45.00/Day Eff: 8/11/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:30 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	David L. Jones
	R. J. Borries	(Chief Deputy)	
	S. J. Cox		
	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>	<u>OTHER</u>
	Andy Easley	B. Cunningham	Attorney Mitchell
			Attorney Shively
			Donald Williams
			Vince Sprague
			News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 25, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, August 25, 1986, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the Board defer approval of the minutes until such time as the Commissioners have had time to review same. A second was provided by Commissioner Borries. So ordered.

RE: AUTHORIZATION TO OPEN BIDS

The Chair entertained a motion to authorize County Attorney David Miller to open the bids received on resurfacing of various county roads. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: INTERLOCAL GOVERNMENTAL AGREEMENT RE TAX ABATEMENT & ECONOMIC REVITALIZATION & RESOLUTION REAUTHORIZING TAX ABATEMENT PROGRAM & ESTABLISHING GUIDELINES

President Willner said the Commissioners had all received copies of the subject documents for perusal. Are there any questions, or suggested additions/deletions?

With regard to the Agreement, Commissioner Cox said she has questions:

- 1) On Page 2, concerning jurisdiction of such an agreement, she thinks it should include in top paragraph "and the Town of Darmstadt".

Commissioner Willner said he doesn't understand this. It reads, "The County desires to utilize the administrative services of DMD in processing tax abatement in the County outside the City." Darmstadt can use them if they so desire, but we cannot speak for Darmstadt; they need to speak for themselves.

Commissioner Cox said, "That's it; they need to be excluded. We cannot speak for anything within the City nor the Town of Darmstadt."

Commissioner Willner asked if Commissioner Cox wants the wording changed to read: "...in the County outside the City and the Town of Darmstadt"? Mrs. Cox acknowledged that this is correct, which would be the rest of the county.

- 2) On Page 2 with regard to cost, Item B mentions administrative processing fee of \$250.00. Is that the only fee? Is there any other fee? Do we get a fee?

Commissioner Willner said he does not believe we get one, and the applicant is to pay that fee.

Mrs. Cox asked, "There isn't any other fee involved in preparing petition or granting of -- that we would be involved with?"

Commissioner Willner replied, "No."

Attorney Miller entered the meeting and Commissioner Willner brought him up to date on the suggested changes to that point in time.

With regard to the Resolution, Commissioner Cox stated that this is Council's Resolution; is that correct?

Commissioner Cox stated that on Page 2 under Section 1 (Application Process) the same wording should be included..."outside the corporate limits of the City of Evansville and outside the Town of Darmstadt."

On Page 4 under Item C, "the application shall address at least one of the following development objectives -- and they are listed there. She thought the whole idea of this was to create some jobs and expand our economic climate. But, according to this, they can get tax abatement for four different things and one of those is to retain or expand job opportunities.

Commissioner Willner said he believes what they are doing is following the law on tax abatement. He thinks they have to list those. He referred Commissioner Cox to Page 1 of the Resolution, Paragraph 1, which states:

"WHEREAS, the Indiana General Assembly has provided, through I.C. 6-1.1-12 et seq., as amended..." He thinks they have to continue with that verbiage in order to make these eligible under statute.

Commissioner Cox said "I thought the whole gist of pushing a tax abatement and also the loan program was to help create jobs or to retain jobs.

Commissioner Willner responded, "That is exactly right."

Mrs. Cox said "This doesn't say that."

Commissioner Willner stated, "Shirley, you have to follow the guidelines of the State law."

Mrs. Cox said "In other words, we may be passing something that will not retain or will not create jobs. It may be that someone wants to replace an old worn out piece of equipment. If they are going to replace it with a piece of equipment that is going to cause us to lose jobs I have difficulty supporting this resolution. Of course, it is up to County Council, but I think we evidently have prepared it to send it on and I think we should address these concerns. If I understand this right, in other words an economic revitalization area -- we can have it anywhere. It can be a business here; one on the west side; one on the south side; one on the east side or one anywhere else. In other words, we're not saying. To me, what would be logical would be to go out Highway 41 where the sewer and the water and utilities have been furnished to make it a prime development area and say, 'Hey, this is going to be our economic revitalization area and people who locate here we're going to consider for this'. So I have some problems with the way this is structured."

"With regard to the Ordinance of the Board of County Commissioners, concerning the grant of funds to the Metro Small Business Assistance Corp., I would like to know who this is? Who is the "Metro Small Business Corporation"?

Commissioner Willner said he can't tell Commissioner Cox exactly who is on it, but it is now in place.

Mrs. Cox said, "It is a not for profit corporation; it is organized, but I don't know who it is. What experience has this corporation had? Who is on it? We're going to make an agreement with them that we're going to give them \$20,000 of our money to administer -- and I certainly would like this organization to be identified with a place -- an address or something.

Continuing on down the page, Mrs. Cox said she thinks the Town of Darmstadt should also be included "located within Vanderburgh

County, Indiana and outside the corporate limits of the City of Evansville and the corporate limits of the Town of Darmstadt".

Commissioner Cox said she is not sure that this addresses the interest rates. She assumes the interest goes back into the fund (she knows this is what the statute says for it to do) but how much of the administrative cost does this Metro (not-for-profit corporation) get? How much is it going to cost us to do business with this organization?

Commissioner Willner said it is his understanding that it will cost us nothing.

Attorney Miller said the application for the declaration of an economic revitalization area is referred to on Page 4, where it says, "...must file a certified deduction application on forms prescribed by the State Board of Tax Commissioners..." and the application requirements in sub-section C are to be set forth on that application and that is why they are listed.

Commissioner Cox said "I have no question over the change in that. I just wanted to point out that it says,,, "at least one of the following", which meant that if they come in and want a piece of equipment or to build a new building to carry on the same thing, then it is not going to help our employment situation. And it does say, "at least one".

Attorney Miller stated, "The statute does not set forth these items. The State Board of Tax Commissioners application says what these items are. The application is on a form prescribed by the State Board of Tax Commissioners."

Mrs. Cox said she knows that in the Enterprise Zone that that had to be in a meticulous fashion. Does it just say that we can jump all over the county in any way and create an economic revitalization area for these businesses? Or do we have to designate a zone as we do for enterprise zone?

Commissioner Willner responded, "It is my understanding that we can set the zone after the application is made and it can be anywhere in Vanderburgh County."

Attorney Miller said the statute says, "...A Metropolitan Development Commission, Common Council, Town Board or County Council must find an area in its jurisdiction is an economic revitalization area. The whole series of sections says, "If one of those bodies finds that an area in its jurisdiction is an economic revitalization area, then it shall either prepare maps or plats to identify the area ..and after that, everything kicks in.

Mrs. Cox said, "So we do need to establish an economic revitalization area then?"

Attorney Miller said he hasn't read this in its entirety but his impression is that if someone comes in seeking tax abatement, they will first have to convince the appropriate body that the area in which they want the relief should be found to be an economic revitalization area. It doesn't say which comes first -- the chicken or the egg -- just that before any tax abatement relief can be granted the area has to be defined. It doesn't say that you can't ask that an area be defined in that fashion so that you can get the relief.

Mrs. Cox said that on the first page (3rd paragraph) where it says, "WHEREAS, in order to implement the Tax Abatement Program, the County Council must find that a specific geographic area within the county, but not within the city or town meets the criteria for an economic revitalization area and adopt a resolution declaring the area to be in an economic revitalization area."

Commissioner Willner said, "That comes after the fact."

Attorney Miller said he would say that it can come after or before the initial request.

Commissioner Cox said that suppose we had one business on the west side of town come in and want a tax abatement program. How are we going to address that situation? Maybe three or four businesses are healthy; one of them is not healthy; and two or three are. Are we going to say, "You can apply; you are in our economic revitalization area? Or are we going to take the application and then decide whether they are or are not in a revitalization area?"

Attorney Miller said, "The way I read it, you can't actually file your application until the economic revitalization area is determined. But you could come before the appropriate body and say, 'I want to file an application for this tax abatement and my area is presently not eligible for it. Will you please declare it an economic revitalization area and here is why you should.' And that becomes the first question.

Mrs. Cox said "Then we could have a small area on the west side; a small area on the north side etc., and they do not have to be in any kind of a contiguous thing?"

Attorney Miller said, "Not as I read it. It just requires a determination that an area is in need of economic revitalization. And that could occur anywhere within the county or several places. But the determination has to be made before the application can be filed.

The Chair entertained further questions.

The Chair entertained a motion to insert "outside the Town of Darmstadt" in the appropriate places. Motion to this effect was made by Commissioner Cox with a second from Commissioner Willner. So ordered.

The Chair then asked for a motion to approve the ordinance of the Board of Commissioners of Vanderburgh County, Indiana concerning the funds of Metro Small Business.

Commissioner Cox said she would still like to know more about Metro Small Business.

Commissioner Borries said that Kay Fuchs is the Director. Darryl Moore (an officer of Old National Bank) is the current President. There are some 28 members on the Executive Board. They work with the Chamber of Commerce and the City and County officials to promote economic development throughout the county. He thinks that on a positive note we are going to begin to see that perhaps we can look at economic development and judge it by its value. The Highway 41 corridor has not done what he would consider a booming business insofar as economic development is concerned, but perhaps with the programs we're implementing we're going to begin to see further stimulus. We know that PPG has been a very valuable asset. And he thinks perhaps there will be other areas that will be looked at throughout our county. As a result of these programs, he sees some positive results.

Mary Ann Kolb, Director of DMD, entered the meeting. In response to query from Commissioner Willner, she stated that Metro Small Business is located in Old Post Office building.

In response to query from Commissioner Willner, Ms. Kolb explained that Metro Small Business is basically a not-for-profit organization to promote economic development in Vanderburgh County.

In response to query from Commissioner Cox as to how they are funded, Ms. Kolb responded that some money is channeled through CDBG (Community Development Block Grant) funds. They also get payback money from other loans administered and that keeps revolving. Kay Fuchs is also the person for Metro Small Business Administration in the City of Evansville (who fills out loan documents for people) and they can send off and get SBA loans.

Metro is governed by a 25-member corporation. Commissioner Borries is a member of that corporation. There is a 9-member Executive Loan Committee, basically made up of banking, finance and business people in the community. These are the people who approve and grant the loans.

Commissioner Willner asked, "They receive no remuneration, is that correct?" Ms. Kolb responded in the affirmative.

In response to query from Commissioner Cox, Ms. Kolb said that Kay Fuchs is a paid employee. The Executive Loan Committee is not a paid group of persons.

Commissioner Cox said, "I am thinking that \$20,000 is not a whole lot of money to be available to loan. (Mrs. Kolb said they'd be glad to do more.) Continuing, Mrs. Cox said she is thinking here that the interest coming back on that -- and how long or how much are we going to be able to have evolving back into that fund and how much is going to go for administrative cost? I know they are not going to do this for free."

Ms. Kolb said, "We are this year."

Mrs. Cox asked, "This year? What about after this year?"

Ms. Kolb said she doesn't know. We'll have to discuss it next year. At this time, \$20,000 is being used to set up a fund and this money also would go to the same fund as the Sunbeam grant. So this first year we'd essentially have \$20,000 to work with. The Sunbeam loan is a 10-year payback loan. From the Sunbeam money, we'd have approximately \$240,000. The normal terms of Metro loans are 1% over prime. The largest amount of money you can loan from this fund is \$15,000. Many times it is done in connection with other types of leveraging from the banks. Many times a lot of the loans that are made, the person could not go to the bank and receive the full amount of money. This is where Metro comes in for part of the financing. Of the \$20,000 there is no money in to administer the funds."

Mrs. Cox asked, "For the first year?"

Ms. Kolb said "Commissioner Willner and I did not get past the first year.

Mrs. Cox said, "One of these forms has a 3-year agreement that we're entering into."

Ms. Kolb said that is tax abatement.

Commissioner Cox asked if it says how long this agreement is going to be?

Ms. Kolb said she can't recall, but it is included somewhere in the agreement. It also provides in the agreement for information re the loans made once a year and how the money is spent. Separate books will be kept on the account.

Commissioner Cox asked if these CDBG funds in a vulnerable position, or does Ms. Kolb foresee them coming down continuously to sustain this Metro?

Ms. Kolb said that CDBG funds may eventually be phased out -- we don't know at this point. Last year they were told they would not be around for 1987; however, that is not the case for 1987.

She has also heard discussion that they're being asked to re-authorize them for another three (3) years. So we really don't know at this time. Metro does have some funds that at a certain point with their payback funds they may be able to sustain themselves without CDBG funds.

Commissioner Cox asked if it states somewhere in the agreement that they are doing this at no charge to county government, or no use of our interest and monies coming in? She said maybe she's missing it -- but she doesn't see this in the agreement.

Ms. Kolb referred Mrs. Cox to Paragraph 4 of the agreement. She also noted that the agreement addresses administrative funds.

Mrs. Cox said that under Item 2 it says, "...Metro shall utilize said funds". Mrs. Cox proceeded to read that specific verbiage.

Commissioner Cox said the agreement did not speak as to how much it is going to cost the county; hence, the question. But Ms. Kolb has explained it. If we would have to pay, what would the administrative fees be? Is this established?

Ms. Kolb said we do not have an established fee per se. She believes there is a \$250.00 processing fee for some of the loans done for SBA; and that may be on an increase scale, she is not certain.

Commissioner Cox asked if \$250.00 is what it is going to cost any small business to get a loan from this fund?

Ms. Kolb said that is from the SBA funds; she does not believe there is any processing fee for this.

Commissioner Willner interjected, "It is also a period of five (5) years under Items 5A and 5B -- both say five (5) years."

Attorney Miller stated, "With respect to your question concerning administrative charges, this agreement does not contain any reference to a charge for administrative costs. On Page 2, Paragraph 8, both parties agree that the agreement can't be amended without the prior written approval of either one. So administrative charges could not be imposed on the county against its will."

Commissioner Cox said, "Just so this will say that there is no administrative charges."

Attorney Miller said, "If it doesn't provide for any administrative charge they wouldn't be able to make any administrative charge."

Commissioner Cox stated, "I think that is questionable. Why can't we include it? If there is not going to be an administrative charge, I think we need to include it in here."

Attorney Miller said, "All I can tell you is that it is not necessary. But if that makes you more comfortable...."

Commissioner Cox asked, "And this is for a 5-year period?"

Commissioner Willner verified that that is correct.

Commissioner Cox said, "I would like to see us include the statement concerning administrative costs and that there will no charge for the first year. If we're going to enter into a 5-year agreement, is that legal for us? None of us are sure we're going to be here five years from now. Is it legal to do that, David?"

Attorney Miller replied "It's o.k. as long as this agreement does not require any expenditure in future years. As the agreement is written now it does not require any expenditure in any year except the budget year it is established re the infusion of the

\$20,000 for this particular budget year. If it requires an infusion of \$20,000 over a period of time (\$20,000 every year for five years) then you have a problem. But you are not committing to any expenditure whatsoever in any budget year whatsoever except for 1987."

Mrs. Cox said, "I think that if we enter into something for a 5-year period we, as Commissioners, should know what it is going to cost. Because, we're talking investment money here -- what if they renege on repaying a loan? Now, I'm sure Sunbeam is not going to do it. They're pretty well established. But what if they go into bankruptcy? Who is going to try to collect these fees? Is Metro going to do that for us? Or, are we going to have legal fees? Right now the only seed money is the \$20,000 plus the repayment coming back in from Sunbeam, which (as stated) should amount to some \$240,000 during the 10-year period if everything goes right. But if it doesn't go right? What of the administrative cost?"

Attorney Miller reiterated, "There is no administrative cost."

Mrs. Cox remarked, "The first year."

Attorney Miller said, "No; there are no administrative costs provided in this contract, Mrs. Cox, and therefore they can't charge us administrative cost unless the contract is amended and the contract can't be amended without this Commission agreeing to it. There are no administrative costs in this contract, nor can there be without the future agreement of this Commission."

Commissioner Cox addressed Commissioner Willner and asked "Do you have a big problem about putting in 'no administrative costs'?"

Commissioner Willner responded, "Well I don't have a big problem. But I hate to delay it. If you want to put in administrative costs it is certainly all right with me. Let's get on with the program."

Commissioner Cox said, "I don't think this will tend to delay it."

Commissioner Willner said, "If you take take the word of our County Attorney, he would rather the language not be put in the agreement -- and I tend to see some credit to that."

Mrs. Cox asked, "Well, when is this \$20,000 going to be available? not until January 1st is it?"

Commissioner Willner responded, "That's correct."

Commissioner Cox asked, "Then what is the big hurry here?"

Commissioner Willner stated, "I think we need to show the County Council in its deliberations immediately that this Commission is in agreement with that. Immediately -- not next week, but right now."

Commissioner Cox remarked, "Well, the County Council doesn't have anything to do with this Small Business Assistance. They only have the Tax Abatement."

Commissioner Willner said "They have the Tax Abatement and they have to approve the \$20,000 that we're going to give for loans -- right now during budget hearings. Without the \$20,000 this document won't mean anything."

Commissioner Cox said, "Well, I will support putting the \$20,000 into the kitty to get this done; but I do think we need to protect ourselves down the road. Because I have read a lot of articles about these people who went out and wrote all these economic development bonds for these various counties -- and these were private individuals who were doing these things. So that is why I think we need to tie this down."

Ms. Kolb asked if there is a possibility that next year the county will consider putting additional money into a loan fund?

Commissioner Willner said, "I think that if I may speak for what I think the Council wants, I think they want to see some action. If there is a need I think they will go back anytime and put some in. Let me rephrase that. Anytime there is a need."

Ms. Kolb said the reason she asks is that 5-A and 5-B speak to providing reports to the Commissioners. The Commissioners may want to give themselves some leeway by signing an agreement on an annual basis and if this type of loan fund would really take off and when we're dealing several years down the road with \$100,000 --or whatever amount of money we'll be dealing with --at that point it may be that we would need to talk about some kind of administrative charge at that time. She doesn't know when this would be. It will not be this year.

Commissioner Cox said, "We won't have the \$20,000 available this year; it will be in 1987."

Ms. Kolb said, "So we may want to make this on a year-to-year basis."

Commissioner Willner said, "When that happens, you can come back to us and we can change it very simply, right?"

Ms. Kolb said, "Right."

Commissioner Cox said, "I do disagree with you. One of the first things the Council usually asks is, 'How much is it going to cost us to do this?' And we can't tell them that right now. We can say the first year is going to be free -- and then we'll have to review it."

Ms. Kolb said that part of that would depend on whether we would want Metro to do some active marketing of any type of program or that type of thing. There is where we would be getting into some extra personnel time and that may cost some administrative money. Right now they're doing this to try to help the county get something going.

The Chair expressed appreciation to Ms. Kolb and then entertained a motion.

Commissioner Borries said he thinks it is also on the positive side that we're not reinventing the wheel and the Board appreciates Ms. Kolb's expertise. Motion was made by Commissioner Borries that the Agreement be approved with the inclusion of necessary amendments regarding "outside the Town of Darmstadt".

Commissioner Cox asked if Commissioner Borries will amend the motion to include for a period of one (1) year?

Commissioner Willner said he has no problem with that. Commissioner Borries indicated his agreement.

Attorney Miller interjected that the agreement will be in effect as long as the loan money is outstanding and is paid back. So the Commissioners will want the aforementioned reports. He thought what Mrs. Cox was concerned about was the one (1) year where there would be no administrative charges. Is that right?

Mrs. Cox responded in the affirmative, asking if this would be a covenant that Metro would have to put in as perhaps item C under Item 5? That Metro shall furnish services for administration of this program for one year period beginning January 1, 1987 thru December 31, 1987 at no cost?

Attorney Miller said, "Yes, yes -- that could be placed anywhere in there; it should probably be placed in Paragraph 1 under "Terms".

Commissioner Willner said, "I will second the motion and we will have a roll call vote. Commissioner Cox?"

Commissioner Cox asked, "Do we have included a one year period of no administrative fees?"

Commissioner Willner said, "No, I don't have that."

Commissioner Cox asked, "Well, how long is this for?"

Commissioner Willner said,, "The only change I have is the inclusion ...'outside the Town of Darmstadt'.

Commissioner Cox said, "I vote 'no' then."

Commissioner Borries commented, "According to what the attorney - says, I think the agreement stays in effect until it is terminated by any other agreement or by amended agreement. I vote 'yes'."

Commissioner Willner said "I vote 'yes'. The agreement has been approved.

Continuing, President Willner said he also needs a motion concerning the agreement re Tax Abatement -- and he believes the Commissioners all agreed to also insert, "...outside the Town of Darmstadt".

Motion was made by Commissioner Borries that the Interlocal Intergovernmental Agreement re Tax Abatement be approved, with a second from Commissioner Willner. President Willner then asked for a roll call vote: Commissioner Cox, no; Commissioner Borries, yes; Commissioner Willner, yes.

RE: POOR RELIEF - PIGEON TOWNSHIP

Clarence Gilles: President Willner said the only information received by the Township Trustee re Mr. Gilles is that he is eligible for P.I.C. program and he was sent out on one interview as a mechanic. Is that correct? The Trustee also received information from Mr. Gilles' physician that he has been restricted from physical exertion due to his heart problem. He asked Ms. Nancy Walters, investigator for Pigeon Township Trustee's office, is this is correct? Ms. Walters responded in the affirmative.

Katheryn Ryback, Attorney representing Mr. Gilles, said she has a few items to add concerning Mr. Gilles' employment prospects. He has not only been working with the Private Industry Council, but also with the Unemployment Office. He is participating in the computer job matching program with this office and they hope to be able to match him up with a job that meet his skills. In addition to the mechanic's job mentioned by the Trustee's office, he is waiting to hear from Signature Inn, with whom he applied for a job. He also has application in at the Flower Shop on Oak Hill Rd. as a part-time truck driver and is awaiting a response from them. He applied for a job with Zeidler's Flower Shop. Following his interview they found out about his heart condition and they advised him this was not the job for him because it is a very hectic, fast-paced type of job. He also has in job applications at Master Tool & Dye Machine Shop, McDonald's on Southlane, Dusty's, Bennigan's, etc. He spent three hours this morning with the Unemployment office working on his computer job matching program and he also has his third meeting with the P.I.C. program at 9:00 a.m. at Weinbach Cafeteria. Through them he receives referrals for job opportunities.

To get back to the heart of the matter, Mr. Gilles is waiting for a decision on whether his rent for July should be paid. The reason that he was turned down is because he was helped for 90 days and the Trustee's standard is that if you're helped for 90 days and are able-bodied, they disqualify you for rental assistance for 18 months following that.

Mrs. Ryback her argument still is that the standard is arbitrary and really violates the statutory obligations of the Trustee. For that reason, that standard should not be followed by the Commissioners and Mr. Gilles should be granted assistance with his rent. The Trustee has set a limit on rent assistance of \$110.00 per month and that is probably within their discretion. But to just cut someone off for 18 months because they have been helped for three months is truly arbitrary and doesn't have any bearing on their need, circumstances, etc. In Mr. Gilles' circumstances, he really needs the help. It looks as though he may be getting a job soon, but he doesn't have it now and his rent is way past due.

It was noted by Ms. Ryback that when she was here on August 11th, she advised the Commissioners that the statute requires a decision in ten (10) days from the date he requests an appeal and we're way past that now. Thus, she would ask that Mr. Gilles be granted rental assistance at least for the month of July.

President Willner advised Ms. Ryback that he probably agrees with what she said with one exception, the Township Trustee is for purposes of temporary help -- to get a individual over the hump and back into the mainstream. If the individual is on permanent disability and this is going to last a long time, then he's at the wrong place. He should be at the Welfare Department. Thus, he disagrees with Ms. Ryback's thinking. And he thinks the Trustee is perfectly within their rights to say that three (3) months is the limit -- if you're able-bodied. That is what they are saying.

Ms. Ryback interjected, "Commissioner Willner, there isn't a program in the Welfare Department that would help Mr. Gilles in terms of meeting his daily living needs. He is not so disabled that he would qualify for Social Security Disability. He has tried that route and has not been successful. Yet, he is still in that group that is recognized by the Private Industry Council. They have a special program for people over age 55 -- and there is a reason for that. They do have a hard time getting back into the mainstream.

The Chair entertained further questions of Ms. Walters or Mr. Gilles. There were none. President Willner then asked if Ms. Walters had anything to add?

Ms. Walters said she was checking her records and the Trustee did pay Mr. Gilles' rent for nine (9) months instead of three (3) months. Thus, that needs to be noted.

Commissioner Cox said, "But you said that during that time he was disabled, is that what you were saying?"

Ms. Walters said, "Part of that time he was disabled."

Commissioner Cox said, "The question is, if you could pay it over and above your 180 days at that time and he wasn't disabled then why, if he is making a concentrated effort...?"

Ms. Walters interjected, "Because we were really trying to help him to get adjusted and to get on the work program; because the Blind Association was going to place him in April -- but that didn't materialize because he was ineligible for their program."

Mrs. Cox asked, "And you no longer have the workback program?"

Ms. Walters replied, "That is correct...primarily because of insurance."

The Chair entertained further questions.

Commissioner Cox said she believes the Commissioners have the authority to order the Trustee to pay the rent. She asked Attorney Miller if this is not correct?"

Attorney Miller responded in the affirmative.

Commissioner Cox moved that the denial by the Trustee of Mr. Gilles' request re rent assistance for the month of July be overruled and the Pigeon Township Trustee be directed to pay the rent.

The Chair asked for a second to the motion. There was none and Commissioner Willner said the motion dies for lack of a second. He then asked Commissioner Borries if he has a motion?

Commissioner Borries said, "I appreciate counsel's work here, too, and it is a difficult situation. I certainly sympathize with Mr. Gilles. But it certainly seems to me that the Trustee has acted in good faith here and tried to give Mr. Gilles every consideration with the idea that there are and there have to be limits to what kind of assistance they can keep giving on a month-by-month basis. I would feel better with the motion if I knew that this is not going to continue on and on and on. I just think that if we felt that Mr. Gilles had (it certainly seems that he is trying) some kind of obvious job opportunity here that will allow him to regain his productivity, I would feel better. Because I just don't see how we can continue to ask the Trustee to do this without setting some kind of a time frame or guideline so that the Trustee would know what is going to happen to Mr. Gilles' condition in the future. I understand about July; but then we're going to be talking about August and some other ones -- and that concerns me.

President Willner asked if Commissioner Borries would participate in a motion to pay for two (2) months period, and tell Mr. Gilles that that would be the extent?

Commissioner Borries responded in the affirmative.

Commissioner Cox stated, "I don't know whether we have the authority to tell him that that would be the extent. If the man can't find employment, he has to live somewhere. That is why I made the motion to pay his rent. It has been demonstrated here that he has made an effort to look for work. It's not just like he is laying around expecting us to take care of him. If the Pigeon Township Trustee's office still had the workback program then he'd be willing to work in that if it was a job he could do. That is the way the man has impressed me.

Commissioner Willner said, "I'd have to agree with that to some extent. But he also did have a job, which I thought was a job that didn't require manual labor and he did not stay with that but one day, I believe."

Attorney Ryback said Mr. Gilles was working at Western Sizzlin' and the problem there was pace, for one thing. He was dishwasher and was working up to closing time. So there was a lot of time pressure and heavy lifting, including lifting of garbage and taking it out. Thus, it proved to be too much for him. His doctors substantiate that in the letter written to the Trustee's office.

Ms. Walters interjected, "When we had the workback program he did not participate in that program."

Commissioner Willner asked, "Did you ask him to participate in the program?"

Ms. Walters said, "Yes, we gave him a form. He did not work and that was before he had a heart attack."

Ms. Ryback interjected, "That was two years ago."

Ms. Walters said "Right; he was well then and he didn't work on our workback program. I also talked to Western Sizzlin'. They said that he didn't say the work was too heavy -- he just said he couldn't do that work."

Commissioner Borries asked, "Why doesn't Mr. Gilles qualify for disability?" It's unfortunate, but we're seeing a new group of people who seem to almost be (with the rapid technological changes we're having in our society) in a situation where it is a heck of a lot longer lines of poor and needs of the poor than just temporary. But the Trustees' guidelines via Indiana Statute all have said it is a temporary kind of thing. Pigeon Township is a township that has been hard hit. I just don't understand what has happened here. Are we seeing a little action from the Federal government that causes people like Mr. Gilles not to be approved for disability, or what?

Ms. Ryback said "Frankly, Mr. Gilles would tell a hearing officer or anybody that he could do a job as a security job and that, alone, would make him ineligible. All he has to do is find that type of work and he will be off the Pigeon Township rolls and they won't have to worry about him."

Ms. Walters said "We have a lot of people among our case loads who are in his position and they are trying to get on disability -- and they can't on there. We help them as best we can. As a matter of fact, all the recipients are just about that way -- so I guess we will continue to pay everybody's rent then. He doesn't stand alone. There are a lot of people in that same category."

Commissioner Borries said "That is the unfortunate thing. But how does the Trustee manage his budget and if they try to adopt guidelines, where do they draw the limits here as to what a person is entitled to? That is my concern. I certainly appreciate Mr. Gilles' plight, but with Counsel I would like to be able to establish some kind of entitlement with Counsel present. I don't know whether Mr. Gilles' situation will improve or get worse."

Attorney Miller said he thinks the Commissioners have to take it on a month-by-month application basis. If the Commissioners think the point has been reached now where the Trustee can no longer help, then they say, 'no more'. If they think there is a chance he can make it if they give him this last little boost and think that is worth exceeding the provisions of the regulations as set forth, then they have the power to say, 'Let's do it one more time.' It's a judgment call and Counsel may or may not challenge the Board's decision as being an arbitrary exercise of power on the part of the Trustee. But if she does that, she has to go a long way. She has no easy task. The Board has a lot of discretion. If they think now is the time to stop it..."

Commissioner Willner said "What I'd like to do, David, is tell Mr. Gilles that we will give him a couple of more months' rent, but that is it. We are asking him that the next time he gets a job -- he can't say, 'this is too heavy for me or I can't do it' -- he's going to be out in the cold."

Attorney Miller said, "What I'm saying to you is that what you can do at this point -- the only question before you is one month's rent. You can vote on that and you can say on the record

that, "The next time this comes up, Mr. Gilles, I, Bob Willner, will look at whether or not you're making a sincere effort and you'd better know that if I'm convinced you are not, then this ball game is over." You don't vote today on two (2) months' rent; you just vote on one (1) because that is what is before you."

Commissioner Borries commented, "Even with the job as security guard it seem like a lot of things (things always appear to be a lot more simple -- there are always simple solutions to complicated problems). Mr. Gilles' job might be very simple until a burglary occurs or until somebody tries to break in and he has to run after them. With a heart condition I don't know how effective a security guard would be. So a security guard might be pretty laid back until the time comes when you really have to work -- and when you really have to work you really have to work. So that is my concern here."

Commissioner Cox said, "I will state my original motion again and see if anything will happen. My motion was to approve rent assistance for the month of July (per Mr. Gilles' request) and to overrule the denial of the Township Trustee and order the Township Trustee to pay his rent for the month of July."

Ms. Walters interjected, "What do we do about the other recipients that we do turn down?"

Mrs. Cox said "If they come up, we're going to have to deal with them. We've got one case here now. We don't know how many more there are out there. I think you have to keep doing the job you're doing."

Ms. Walters said, "I will continue to do my job; but we still should have guidelines."

Mrs. Cox said, "You have guidelines and you were following those guidelines. But we, as Commissioners, are not bound to those guidelines -- at least that is what our attorney told us."

The Chair asked if there is a second to Commissioner Cox's motion?"

Commissioner Borries said "Only with the provision that at this time I would have to say to Mr. Gilles for the record that I could not approve any payment beyond July."

Mrs. Cox said, "That is all the motion was for."

Attorney Ryback commented, "We understand that if this comes up we'll be back to Square 1 with this."

Commissioner Willner said he would assume that they could come back next month and the Board would have to talk about this again. August is already 25 days gone -- we're almost into the 26th day.

Commissioner Borries stated, "I can only say to Mr. Gilles that July is it -- and I will second the motion."

Commissioner Willner said, "So ordered. Mr. Gilles is to receive rent assistance for one month (July)." Commissioner Willner urged Mr. Gilles to check back with his doctor concerning his medical condition.

RE: BUILDING COMMISSION - REQUEST TO MOVE HOUSE

The Chair recognized Mr. Roger Lehman, Acting Building Commissioner.

Mr. Lehman said he has a request re moving house from corner of Baseline and Highway 41 east one mile (still on Baseline). The address is 980 E. Baseline Rd.

Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

Mr. Lehman also presented the July report from the Building Commissioner's office....report received and filed.

RE: BIDS RE RESURFACING OF VARIOUS COUNTY ROADS

The Chair requested that Attorney Miller read the bids received concerning resurfacing of various county roads.

Attorney Miller said two (2) bids were submitted, as follows:

J. H. RUDOLPH CO.: Bid on resurfacing of Bromm Rd., New Harmony Rd., Orchard Rd.\$54,986.10. The bid is in order.

On resurfacing of Streuh-Hendricks Rd. from Broadway to County Line Rd.\$37,743.55. The bid is in order.

The Rogers Group, Inc.: On Bromm Rd., etc., their bid is \$59,286.00. The bid is in order.

Bid on Streuh-Hendricks Rd. is in the amount of \$44,086.00. This bid is also in order.

Commissioner Willner requested that the record reflect that the Board will refer bids to County Highway Department and County Highway Engineer for their expertise until next week. He doesn't believe they are going to do Bromm Rd. at all, as there is not enough money. We'll have to hold these. We're paying by the ton and you never know until near the end what you're going to do.

RE: ACCEPTANCE OF STREET & STORM SEWER PLANS - COUNTRY TRACE SUBDIVISION

Mr. Easley said he understands that Mr. Clements called and is agreeable to putting the driveways adjacent to the common lot line. Mr. Willner confirmed that this is correct. He is not agreeable with a common driveway. But separate driveways along each lot. Commissioner Willner entertained a motion. Motion to this effect was made by Commissioner Borries.

Mrs. Cox asked if this will be within his lot restrictions? Mr. Easley said "Yes, I think he should do that. The subdivision is not yet recorded and we can ask him to put that on those lots." Commissioner Willner said they can put that on the plat. Mrs. Cox said she will second the motion made by Commissioner Borries. So ordered.

RE: PROPOSED LEASE FOR IV-D SUPPORT DIVISION

President Willner submitted a proposed lease for IV-D Support Division of Prosecutor's office for space at the C. K. Newsome Community Center. The accompanying letter from Prosecutor Pigman says he has read the lease and finds it acceptable. If the Commission finds it in order, he requests their approval prior to forwarding to the Department of Parks & Recreation for their signature.

Commissioner Borries queried Commissioner Willner concerning the cost. Commissioner Willner said it is \$526.50 per month (initially it was \$900 some odd dollars). Motion to approve the lease was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. Commissioner Willner then asked that Joanne Matthews forward the lease to Department of Parks & Recreation.

RE: TRAVEL REQUEST - COUNTY TREASURER

A travel request from the Treasurer's office was submitted re attendance at the state-called Annual Fall Conference for County Treasurers to be held in Nashville, IN. Dates are September 4 and 5. Mr. Tuley is requesting permission to attend, along with one deputy and reimbursement of expenses as outlined in State bulletin. Motion to approve the request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: TRAVEL REQUEST - AREA PLAN COMMISSION

Commissioner Willner submitted a travel request from Mrs. Cunningham of Area Plan Commission re State Planning Association Board of Directors meeting to be held in Indianapolis on August 6, 1986. Mrs. Cunningham indicates she will be taking county vehicle and will be returning the same day. Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

In calling upon County Highway Superintendent Bill Bethel for his report, President Willner said he received a call from NASA today. They said that on a recent fly-over, they noticed a lot of black specks in Vanderburgh County and wanted to know what they were. He told them that it was our repaving program. They said, "Very well, carry on."

Commissioner Cox asked, "Are you sure it wasn't pigeon droppings? We have a lot of those here."

Weekly Work Reports/County Highway Garage & Bridge Crew: Mr. Bethel submitted copies of Weekly Work Reports for the employees at the County Garage and the Bridge Crew for period August 18 thru August 22.....reports received and filed. (Copies attached hereto as "Supplements A and B").

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee reports for both of the aforementioned groups....reports received and filed.

Lynch Road: Mr. Bethel reported that Lynch Rd. has been striped and the necessary signs installed.

Commissioner Willner asked Mr. Bethel if this is the end of Lynch Rd. now? Mr. Easley responded that this is it with the exception of the railroad crossings, which Mr. Gallivan has requested be finished in time for the inspection this coming Wednesday.

The Chair entertained questions of Mr. Bethel.

SIGECO Sub-Contractor Damages: Commissioner Cox welcomed Mr. Bethel back from vacation and said she knows he is now full of energy. Could we get together now on the damages done by SIGECO sub-contractors on Smith-Diamond, West Franklin, etc.? Mr. Bethel reported that just today he talked with sub-contractor and asked that he take the matter to SIGECO officials and he said he would.

RE: ENGINEERING AGREEMENT WITH BERNARDIN, LOCHMUELLER & ASSOC.

Mr. Easley directed the group's attention to the engineering agreement the county had with Bernardin, Lochmueller & Associates re extension of Boonville-New Harmony Rd., stating that we had originally proposed to do the bridge design (the County Bridge Engineer). Upon close examination of the work load for the Bridge Engineer that we're doing on Green River Rd., it was suggested that we let Bernardin, Lochmueller give us a supplemental agreement to their contract, rather than design the bridge. He

has that agreement, which adds \$22,000 to the contract (which was in their original proposal before it was deleted). It is his recommendation that this Supplemental Agreement be entered into.

Mr. Bill Jeffers, Chief Deputy Surveyor, asked if this discounted the work which was done and turned over to them?

Mr. Easley said it does. They have given us a credit of \$1,200.00 in written letter.

The Chair entertained a motion. Motion was made by Commissioner Borries that the agreement be signed, with a second from Commissioner Cox. So ordered. (Copy attached hereto as "Supplement C").

Paving of Intersection/Motz Rd : President Willner said he has a request from J. H. Rudolph, who is paving St. Wendel Rd., to do an intersection of Motz Rd. The blacktop is almost so high that you can't get over it. He told Mr. Bethel this morning. He wants Mr. Easley to check the tonnage and stay with that. Just the intersection now. This is Motz Road. (There is also a Motz Lane, so they should not be confused.)

The Chair entertained questions of Mr. Easley.

Commissioner Cox said Mr. Easley was talking about the bridge on Boonville-New Harmony over Schlensker Ditch? Mr. Easley said that is correct. It is going to be a 3-span structure.

Mrs. Cox said she read in the paper (and one of the Council members also mentioned) that our plans on Green River Rd. were maybe going to lose funds if we don't get those submitted. The Council member said the paper said "within a 2-week period". What is the status of this?

Mr. Easley said he believes the plans are going to be completed by the end of the week so they can be shipped to Indianapolis.

Commissioner Cox asked if the Board will get to review them before they are sent up to Indianapolis?

Mr. Easley said they would be considered preliminary. This is prior to being checked by the State. The Board may not get to look at them before they are sent. He can get a set of prints if the Commissioners want to see them before today's meeting ends.

Commissioner Cox asked, "You mean the Commissioners are not going to have any input on these plans before they are sent up for approval?"

Mr. Easley said we have had design meetings insofar as width of the travel way and the type of drainage structures. We know that the right-of-way is 90 ft. We have talked about having --she may have heard conversation -- the Urban Transportation Technical Committee and the Policy Committee have commented on whether or not it should have a median. In response to query from Mrs. Cox as to whether it will have a median, Mr. Easley said he has not seen the plans with the median on there -- and he expects to see a median, although there is so much undeveloped country out there that it is a little difficult to ascertain where the median should be. There is Evansville Day School, several churches, The Timber Apartments, a proposed shopping center on Paul Hatfield's property. EUTS has been doing a major study on where the east-west access ought to be and there has been no official discussion with the Commissioners as to whether it should or should not have a median -- and he thinks the Policy Committee recommended a median. He is not certain whether the Technical Transportation Study has suggested a median.

Mrs. Cox said that on the Eichoff-Korressel improvement that we were wanting done out there we didn't get back what we thought we were going to get,, because of a misunderstanding. She thinks

this matter is very important and before these plans go up to be approved at the State level that she, as one commissioner, wants to see those plans and she feels that they should be brought here for the public to see and for the Commissioners to see before they go to Indianapolis. Mr. Easley spoke as a right-of-way of 90 ft., do we have an ordinance that covers that on North Green River Rd., all the way to Highway 57? If not, we ought to put an ordinance in place to put that setback line as a 90 ft. "

Mr. Easley said he believes the Commissioners acquired 90 ft. right-of-way years ago. He went over that and believes that we have 90 ft. all the way to Hirsch Rd. Mr. Willner said he believes this is correct.

Commissioner Cox said, "You know the Metropolitan Chamber of Commerce recommended when we improved this North Green River Rd. section that we think in terms of making that improvement to Millersburg Rd. (to and including). I know we've done some widening -- a small amount of improvement on N. Green River from Heckel to Highway 57 up to Daylight. It has been resurfaced and it was widened out a little bit -- but not much, because in the overall transportation plan for the future it would seem logical that Millersburg Rd. would be a back entrance into our new Airport facility and we would eliminate a lot of traffic going down to Oak Hill out onto Highway 57 and back the other way. I think now is the time to look at those plans and to make sure that at least the right-of-way is protected. Now you're saying that we do have an ordinance or right-of-way protected 90 ft. from the centerline on each side...?"

Mr. Easley interjected, "A total of 90 ft. --south of Hirsch Rd."

Commissioner Willner interjected, "You're talking about two different things. She's talking about a setback line and you're talking about the road right-of-way."

Mr. Easley said Green River Rd. is subject to a setback line that used to be 90 ft. or 95 ft. and now he thinks it has been reduced (it seems to him that maybe it is still 95 ft. from the centerline). He guesses that goes all the way to Daylight.

Mrs. Cox asked, "But how far does it go out, Andy?"

Mr. Easley said he doesn't know -- he'll have to check.

Mrs. Cox requested that he check this with Barbara Cunningham and Area Plan, because she thinks it is really important.

Mr. Easley said that as far as the projected traffic counts on Green River after I-164 is completed north of Lynch Rd. they actually expect a drop in the traffic count. After Lynch Rd. and I-164 are completed, they are projecting a drop in traffic count.

Commissioner Willner said there will be a big drop.

Commissioner Cox said, "Here we just are spending ever how many million some odd dollars..."

Mr. Easley interjected, "But we don't have enough lane capacity now, so you have to look at this in proper perspective."

Mrs. Cox said, "No; we're spending \$1 million some odd dollars to build the new Boonville-New Harmony Rd. to go up and hook up and what you're telling me is that all those transportation figures are going to drop even lower."

Mr. Easley said, "We're aware of that; but there is no way to..."

Commissioner Willner said, "Wait a minute; you're saying two different things again. At the intersection of Boonville-New Harmony and Green River Rd. it is going to increase, because

you're going to go on Boonville-New Harmony to I-164. Now when you get down to Heckel and Hirsch Rd. you can't get on I-164 and you can't get on Millersburg -- so the traffic there is going to drop."

Mrs. Cox said, "Let me hear this again; maybe I misunderstood. You said that when the proposed Lynch Rd. was completed and I-164 is completed all roads in that area would suffer a decline in..."

Mr. Easley said, "No; the computer model for the County Highway System (particularly Green River Rd. north of Lynch Rd.) they expect the daily traffic counts to drop once Lynch Rd. is constructed over to I-164 and I-164 is in operation. That is what the computer model says, based on origin/destination."

The Chair entertained further questions. There were none.

RE: BURDETTE PARK

President Willner presented the monthly report for period thru July 31st, submitted by Mark Tuley, Manager/Burdette Park. (Copy attached hereto as "Supplement D"). He said that Mr. Tuley said that today he expects the income of Burdette Park to surpass the all time high.

Also submitted was the Financial Report for period ending July 31st....report received and filed.

RE: OLD BUSINESS

Ordinance re Building Commissioner: The Chair entertained matters of old business.

Commissioner Cox moved that the Commissioners vote to rescind their resolution (which they have not as yet received to sign) concerning the qualifications of the Building Commissioner and to resume our present ordinance that calls for the Building Commissioner to be a licensed architect or licensed engineer.

The Chair said a motion has been made; is there a second? There was none and the Chair said the motion died for lack of a second.

N. Green River Rd./Sanitary Sewers: Commissioner Cox said she thought Attorney Miller was supposed to give the Board a ruling on something from two weeks ago. She can't find her notes at the moment. Also, do we have the letter from the City Engineer's Department regarding the sanitary sewer situation out on N. Green River Rd., which Mr. Lidenschmidt was supposed to get? These are the only two items of old business that she has.

Attorney Miller asked if the ruling concerned insured motorists? Mrs. Cox indicated that this is correct. Attorney Miller noted that Mr. Lindenschmidt checked on motorists' coverage and found that the county doesn't have any -- we are self-insured; as a matter of fact, he reported back to the Board that he had called John Hodge (as reported in the minutes of August 11th meeting).

Commissioner Cox said "We are totally self-insured, and I did not understand that...personal property, fire, theft -- not just liability --it's everything."

Mr. Lindenschmidt commented that what we got was all that was available at the time....and Attorney Miller remarked, "No one was writing it."

Insofar as the Green River Rd. sewage problem, he went to the Board of the Sewer Department and talked to them. They wanted to know if they can hold this. First of all they need a plan of what is going to be there. He talked to Andy and Andy is working on it right now to see what the capacity of that lift station is and we'll have to go from there.

Mr. Easley said he is working on trying to get an official answer from the Sewer Department and make it an unofficial inquiry. Unofficially, there apparently are perhaps some minor problems out there. He wants to make sure that he knows what caused the problems. It's too early to render an opinion on the matter.

Commissioner Willner said he also talked to the president of the Board and he authorized the engineer to make that study; so it will be forthcoming.

RE: HOLIDAY CLOSING

President Willner announced that all county offices will be closed on Monday, September 1st in observation of Labor Day. The next Commissioners' meeting will be held on Tuesday, September 2nd.

RE: CLAIMS

It was noted by Commissioner Willner that he has no claims to be presented for approval today.

RE: EMPLOYMENT CHANGES

Circuit Court (Appointments)

Robert J. Dodson	Law Clerk	\$641.02/Pay	8/4/86
Jeffrey T. Shoulders	Intern	\$5.00/Hr.	8/4/86
Harris R. Howerton	Dir./C/S	\$25,974/Yr.	8/11/86
Harris R. Howerton	Dir./C/S	\$2,014.50/Yr.	8/11/86
Kenneth A. Henson	CPO	\$28,134/Yr.	8/11/86

Circuit Court (Releases)

Jeffrey T. Shoulders	Intern	\$4.00/Hr.	8/1/86
John Harl, Jr.	C.P.O.	\$28,134/Yr.	8/8/86
Jonathon F. Gugin	Intern	\$4.00/Hr.	7/18/86
Harris R. Howerton	A. Dir./C/S	\$19,219/Yr.	8/11/86
Harrison R. Howerton	A. Dir./C/S	\$4,019/Yr.	8/11/86
Kenneth A. Henson	Dir. C/S	\$25,974/Yr.	8/11/86

Surveyor (Releases)

Mile J. Miniell	Rodman	\$16,232/Yr.	8/18/86
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County Highway (Appointments)

Steven Brown	Part-Time	\$3.35/Hr.	8/1/86
James Josey	Part-Time	\$3.35/Hr.	8/11/86

County Highway (Releases)

Charles Crawford	Part-Time	\$3.35/Hr.	8/5/86
Larry D. Stuckey	Part-Time	\$3.35/Hr.	8/8/86

Prosecutor (Appointments)

Dennis Vowels	Dep. Pros.	\$20,000/Yr.	8/25/86
Christian Lenn	Dep. Pros.	\$24,000/Yr.	8/25/86
Timothy Klingler	Dep. Pros.	\$22,500/Yr.	8/25/86
David Jackson	Investigator	\$16,200/Yr.	9/2/86
Debra Day	Para Legal	\$12,000/Yr.	8/25/86

Prosecutor (Releases)

Dennis Vowels	Dep. Pros.	\$19,000/Yr.	8/25/86
Christian Lenn	Dep. Pros.	\$23,000/Yr.	8/25/86
Timothy Klingler	Dep. Pros.	\$21,500/Yr.	8/25/86
John Gurnsey	Investigator	\$15,640/Yr.	8/28/86
Debra Day	Para-Legal	\$11,500/Yr.	8/25/86

Weights & Measures (Appointments)

Gary Shanks	Helper	\$35.00/Day	8/20/86
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Weights & Measures (Releases)

Raymond E. Kahre	Helper	\$35.00/Day	8/18/86
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Center Township Assessor (Releases)

Deborah Lee Toon	P.T. Deputy	\$35.00/Day	8/22/86
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There being no further business to come before the Board,
President Willner declared the meeting adjourned at 4:20 p.m.,
with announcement that there would be a ten (10) minute recess
prior to Drainage Board Meeting.

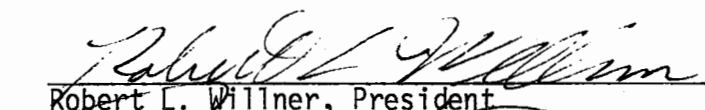
PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY -

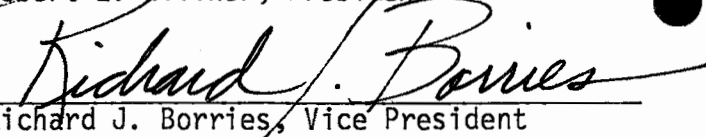
R. L. Willner	Alice McBride	David Miller
R. J. Borries	Sam Humphrey	
S. J. Cox		

COUNTY ENGINEER COUNTY HIGHWAY OTHER

Andy Easley	Bill Bethel	K. Ryback, Atty.
		C. Gilles
		N. Walters
		News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 2, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Tuesday, September 2, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner and since it was the first meeting of the month, the meeting was opened by Sheriff Clarence Shepard, who declared the Commission in session pursuant to adjournment.

President Willner entertained a motion concerning approval of the minutes of the Commissioners' meetings held on August 18th and August 25th. President Borries said to preface the approval of the August 28th meeting, he knows that Joanne (Matthews) has had a lot of work she's been doing transcribing all these minutes. The Board appreciates her work and she does an excellent job. At the time, the Board simply had not had an opportunity to read same. However, he would at this time move that the minutes of August 18th be approved, as engrossed by the County Auditor, and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered. Motion was made by Commissioner Borries that the minutes of August 25th meeting be approved, as engrossed by the County Auditor, and the reading of same be waived, with a second from Commissioner Willner. So ordered. (Commissioner Cox was not present, since she was out of town.)

RE: AGREEMENT BETWEEN COUNTY COMMISSIONERS & INDIANA
STATE BOARD OF HEALTH RE BOVINE BRUCELLOSIS & TUBERCULOSIS

It was noted by President Willner that the Board needs to approve the subject contract. We received notice that Vanderburgh County has not yet executed said contract. However, for one reason or another, copies did not reach us previously. Motion to approve signing of subject contract was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: COLONIAL GARDENS RD. - MICHAEL MIODUS

President Willner advised Andy Easley, County Engineer, that Mr. Michael Miodus is here today concerning Country Trace Subdivision. Are we all in agreement now concerning the driveway? Mr. Easley responded that the construction plans for the street were approved last week, with the condition agreed to by Tony Clements regarding the driveway. Commissioner Willner said he didn't believe that had ever come before the Board. It was noted, however, that Mr. Miodus is present today for purposes of having question answered concerning Colonial Garden Rd., itself. Mr. Easley said, in other words, what portion of Colonial Gardens Rd. has been accepted for maintenance by the county? He said that Mr. Miodus asked him some questions and he informed him about the book in the vault in the Surveyor's office, which is a summary of actions taken by previous Commissioners on various roads and how they got to be a county road, the width of the roads etc. There are also some records at the County Garage and a summary of a printout we had, as well as the study done by Ohio Valley Engineering, which gave us records of what are considered county-maintained roads and what the State considers county-maintained roads. However,, he doesn't know whether Mr. Miodus got an answer to his question.

The Chair recognized Mr. Michael Miodus of 3012 Colonial Gardens Rd., who had asked to appear on today's agenda.

Mr. Miodus said his main question is whether Colonial Gardens Rd. is an accepted county road? The way he got interested in this is that Mr. Biggerstaff (one of the developers of Country Trace Subdivision,, just to the east of Colonial Gardens Rd.) came down one day and said he was going to put a sewer down the middle of the road. He told Mr. Biggerstaff that he was under the impression that it was a private road. He said it was a county road and he can do what he wants on a county road with permission. Mr. Miodus said he then started going back through records. He thought it would be simple to find the date it was accepted. To date, he has not found that. He has, however, found other information. To sum it all up, apparently in 1948 or 1949, they moved Old Boonville Highway. He made a map (from a topographical map) and prior to 1947 or 1948 (he's not exactly certain as to the date) Old Boonville Highway went in a designated direction (pointing to the map). At that time they straightened the road out and put in a designated section of road (again, pointing to the map). The State apparently abandoned a designated section of road and it was taken over by the county. (Again, pointing to the map). They apparently renamed a portion of that road "Colonial Gardens Rd.". Apparently the county is also getting ready to pave the road. His only concern is that,, number one,, if it is a county road, it has never been accepted as a county road. If it is a county road, that means that later on if Mr. Biggerstaff desires to do so, he can always have entrances, etc., onto that road in the subdivision. Since they started working on Country Trace Subdivision they have started moving equipment down the road, thereby causing damage to the road. Mr. Miodus then presented several photos to the Commissioners for their perusal, which had been taken by Lana Brown. Mr. Miodus pointed out that there is also the matter of liability insofar as the road is concerned. There is an old concrete culvert there. If it caves in and one of the workers gets hurt and a piece of equipment is damaged, who is responsible and who is liable for the worker? If it is a private road, he should not be coming down the road. Continuing, Mr. Miodus said he has talked to the State and everyone else. The road does have an assigned number (#219). Since the equipment has been moving down the road the potholes have been made worse.

In response to request by Commissioner Willner, Mr. Jim Lindenschmidt, Superintendent of Buildings, retrieved a copy of the Road List. It revealed that while the road is on the accepted road list, no date of acceptance is indicated.

Continuing, Mr. Miodus said the culvert was never meant for anything heavier than a tractor. However, currently they have everything going over it (back hoes, semi-trucks, etc.).

Mr. Miodus said he has been through the County Commissioners' records from 1900 to present time, and can find nothing as to when the road was accepted. He did however, find where the previous owner of his house petitioned the county on August 11, 1975, to have the road oiled. Mr. Siebeking went ahead and had it oiled. However, it first appeared on the records as being a county road in 1976. Mimosa has always been a county road. The name has changed through the years, but it has always been a county road. But the county accepted it on June 21, 1976 as a new road, saying they would keep it as is and accept it for maintenance. Insofar as the State is concerned, this road has two State numbers (84 and 257). He talked with the Director of Road Inventory at the State office and they have that road as being accepted in that year. His main question is, is Colonial Gardens Rd. a private road or a county road?

If it is a county road, they'd love to have it paved. If it is not, then the county shouldn't be spending their money paving a private road; they should be spending it for something else.

Following Mr. Miodus' lengthy dissertation, Commissioner Willner said that legally he doesn't know whether it is or isn't a county road. Our records show it as a county road and we are getting State monies for upkeep. Thus we consider it a county road. He is not sure that everybody wants it to be a county road; but Mr. Miodus is saying that he doesn't particularly want it to be a county road. Is that correct?

Mr. Miodus said, "At this time, no."

Commissioner Willner asked, "What are you going to do when it becomes so dusty that it is unbearable to travel? Then you're going to come back and ask, 'Please take my road.' Thus, I don't understand why at this time you do not want the county to accept maintenance of that road."

Mr. Miodus responded that his whole question is,, "Is it a county road or a private road?"

Commissioner Willner responded, "I am going to say to you that, yes, it is a county road. I'm also going to say, yes, -- let me go back to the old statutes. Many, many roads in Vanderburgh County (if you were to research all of them the way you have this one) you will find that many of them fit that same category. They started out as range roads, neighborhood roads, what have you --and over the years have come to be Vanderburgh County Roads, the same way that Colonial Gardens Rd. did. The State might not have been close to them or even involved. But over the years they have finally become county-accepted roads. Back in the 70's, the Commission realized that there were a lot of them in the same shape as Colonial Gardens Rd. At that time, the County Attorney (he believes this was Swain) did an extensive research and brought all the roads that we thought were county-accepted roads into one book that we have in the Commissioners' office (the same one that the County Highway Department has) and we accepted all of them. We decided that the list he came up with were all county roads -- and that this would end that problem once and for all. I am not sure that was perfectly legal, but for my purposes, it was. So, I hardly know what to do for you. I really don't know. I would imagine that if you ask, the county engineer, the county surveyor, the county highway superintendent and, probably the county attorney, would all say it is a county road. So I don't know what else I can do."

In response to comments by Mr. Miodus, Commissioner Willner cited a court case in the 1970's, the only one he can recall since he came onto the Commission, where Judge ruled that the road involved was traveled so many years by the public that as far as he was concerned it was a public road. Thus, the particular county highway superintendent was not deemed to be at fault in this case.

Mr. Miodus said his question is, "Is Colonial Gardens Rd. a public road maintained by private individuals or is it a public road maintained by the county?"

Attorney David Jones said there is no such species (unless you come in with some special contract) as a public road being maintained by private individuals. There is no such animal. A public road is a public road. It is maintained by the governmental entity. Once in a while arrangements are made -- and it is becoming more in vogue for one reason or another -- where developers will take over maintenance of a road or something like that is in agreement to do something else. But the typical road, as it has been established since Indiana Statehood, is done by the statutes. It is either done by the Board of Commissioners as a construction job, or free holders in the county -- and the statute sets that forth. In terms of anybody wanting some kind of legal verification that a road is a road -- no, you're not going to get it out of county minutes. It

is not that way unless it is part of a construction project. What the county does have are traffic schedules in its Code of Ordinance, that has the force and effect of law. That is the law that the county is allowed to impose and the Code of Ordinances sets out traffic schedules, also references to the master list of roads, which is maintained in the County Surveyor's and County Engineer's office. And that is referenced by ordinance. Whatever is on that list is, in effect, a county road and is subject to being maintained by the county. If I, as county attorney, have to establish existence (which I have to do in a court of law) that is exactly how I do it -- and I have done it many times. So I can't imagine that there is any need for anybody to go beyond county ordinance. County ordinance, on its face, is the force and effect of law. If someone is challenging that the ordinance, itself, is unconstitutional, for the fact of the existence of a county road you cite the county code of ordinance, the master road list and that is, in effect ... (not audible) it is referenced and whatever is added onto the list is kept in appropriate county office. Again, that is kept either by the County Engineer or the County Surveyor. He has asked Mr. Easley to sign off for him on court cases that such and such is a county road maintained by the county. So, for whatever purpose Mr. Miodus has, that ought to take care of it. Nothing else is going to make it.

Commissioner Willner asked if Mr. Miodus' question has been answered? Mr. Miodus responded in the negative. He asked other questions.

Attorney Jones interjected, "If you have any doubt about your road, I'm inviting you to march down the hall to the County Surveyor's office and ask to see the master county road list."

Mr. Miodus commented that he has already done this.

Attorney Jones asked, "Was your road on that list?" Mr. Miodus responded in the affirmative. Attorney Jones said, "Then you are safe in assuming that you have a county road. And I am telling you that the authority for that master road list is the County Code of Ordinances and, specifically, the chapter on Traffic -- and that is what establishes that you have a county road. Not who is out there on your road, who is throwing gravel, or doing anything else to it. But it's the fact that it is an ordinance that says it is a county road that says so. You have to look to the ordinance that establishes it. Roads just don't materialize. They have to be created in some fashion according to law."

Mr. Miodus repeated questions and made further lengthy comments (all of which are available on tape of the Commissioners' proceedings in the Auditor's office.)

Commissioner Borries said that Mr. Miodus' research has been great. One of the great shocks of his life was when he was trying to research his father's birth. He went over to Willard Library and found that they had the wrong birth date for his father. He always celebrated November 1, 1901. The records at the library had November 23rd. He then had to go back and found that there was one person listed through error; there were mis-spelled names and everything else. Apparently his grandparents had not named his father immediately. The hospital reported he was born in 1901. When they finally named him a couple of days later, that was reported to the Clerks' office in some way. Then they had him listed on November 23rd, again, a second time. The records sometimes are just not accurate. Mr. Miodus has done a monumental amount of research and he wants to commend him for this. But he doesn't think that probably before the 1970's that he will find accurate records in a lot of cases.

It was noted that the State said Colonial Gardens Rd. went on the computers in 1976.

Commissioner Willner said he knows he hasn't convinced Mr. Miodus. Mr. Miodus is questioning the legality of someone's putting a pipeline down the center of the road. In so doing, if he really feels strongly about it, he has the courts to go through. He does have a re-dress.

In conclusion, Commissioner Willner thanked Mr. Miodus for coming to today's meeting.

The Chair then recognized Mrs. Lana Brown of 3011 Colonial Gardens Rd. She said they have a culvert over which they have just been having cars travel. It was put there in 1949 by the individuals on Colonial Gardens Rd. As long as they just had cars they didn't have any problems. Now they have back-hoes, trucks, semis coming in. Since the trucks have been coming over there they have two large holes. Her question is, "Are you going to come out there and fix it before it goes in with one of the trucks or with one of us? I have called down here for 17 years; I have shoveled rock into holes I've done snow removal up and down the street -- not lately, because I am getting older. But you all have always told us that it is a private street. You're now telling Mike (Miodus) that it is a county road and my question is, 'will this gentleman come out there and check this culvert, because it has already sunken in an inch.'"

Commissioner Willner said, "In answer to your question, yes."

Mrs. Brown asked, "Can he (Mr. Bethel) come tomorrow? Because I am concerned about it."

Mr. Bethel responded saying, "I'll try, but see, you're not the only one Ma'm."

Mrs. Brown said it has washed out under the dirt. The only thing holding it up now is the little thin piece of asphalt; the rest is dirt and it has been washed out. Mrs. Brown said that if it is a private road that they, as individuals, were going to have to get together and repair that street. But the Board does say that it is a county road and that they will repair that?

Commissioner Willner assured Mrs. Brown that the county will make the necessary repairs.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Work Reports: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage and the Bridge Crew for period of August 25th thru August 29th.....reports received and filed. Attached to the Work Reports were the Work Schedules.

(Please find attached hereto as Supplement #1.)

Weekly Absentee Reports: Mr. Bethel submitted copies of the Absentee Reports for the County Garage employees and the Bridge Crew for the same period.....reports received and filed.

The Chair entertained questions of Mr. Bethel. There were none.

RE: COUNTY ENGINEER - ANDY EASLEY

Bridge over Pigeon Creek/Green River Rd.: Mr. Easley said he has a letter from Mr. Stephen Dilk of the IDOH enclosing a set of Preliminary Plans for the bridge over Pigeon Creek on Green River Rd. They did have some comments.

Commissioner Willner asked, "We're doing those in house?" Mr. Easley responded in the affirmative. Mr. Willner asked if Mr. Easley will be returning these to Mr. Hartman so he can make the necessary corrections? Mr. Easley said that is correct. In response to query from Commissioner Willner, Mr. Easley confirmed

that there are no corrections to be made to the conceptual design. There will be four (4) lanes (by adding two (2) lanes to the structure). There will be symmetrical widening on both sides.

Actually we're adding a new concrete deck (23-1/2 inches on east side) and the west side has 19 ft. 7 inches (so, approximately 20 ft. on either side). The long spans are steel girders and the short spans are precast concrete.

RE: EUTS - ROSE ZIGENFUS

Commissioner Willner asked that since Green River Rd. is being discussed, he'd like to bring in Rose Zigenfus. He understands she has the plans for widening of Green River Rd., which are ready to go to State. The Chair recognized Mrs. Zigenfus.

Mrs. Zigenfus said she just wants the Board to know that EUTS is sending the plans for widening of Green River Rd. up to the IDOH today. They are pre-preliminary, which means that everything that needs to be on there is not on there as of yet -- and they tell me that it doesn't have to be. But they would like to see some drawings in order to know that we are proceeding with the work. It will conform to our environmental.

Proceeding, Mrs. Zigenfus shared the plans with the Board. Commissioner Willner asked if a portion of this is in the City? Mrs. Zigenfus said a very small portion is (approximately 10%) and the city is picking up their portion. There will be four (4) lanes of traffic, with a 16 ft. median. (There will be two 12 ft. wide travel lanes and two 11 ft. wide travel lanes; two 1 ft. offsets, with no median designed for that portion and no continuous big turn lanes.) Mr. Willner said, "That also means the bridge will not have a median." Mrs. Zigenfus acknowledged that this is correct. She said there is some discussion with regard to the median between Hirsch and the Lynch Rd. project. Our environmental calls for a 16 ft. median. Whether that turns out to be a continuous turn lane in that section will be determined at a later date, because there are a few homes located on the west side of the project and a few homes on the east side. They do not know at this time whether it would be warranted to have a concrete median or what the State would go along with. They don't expect the growth to be heavy enough in the area to warrant a 16 ft. median, but it is a possibility. Mrs. Zigenfus entertained questions from the Board.

Commissioner Willner said he believes Mrs. Zigenfus has pretty well explained it and thanked her for her comments, asking that she keep the Board informed.

Resurfacing Bids/Bromm Rd. & Streuh-Hendricks Rd: Mr. Easley said bids for resurfacing on these two road projects were opened last week. They have checked the extensions. J. H. Rudolph & Co. was the low bidder. They do have a minor extension error in the bid on Streuh-Hendricks. They show their total as being \$37,743.55. In reality, they have an extension error wherein they show \$24,737, which should have been \$23,000. So actually the bid is \$1,700 less or total bid is actually \$36,073.00. He and Mr. Bethel have reviewed the bids and it is their recommendation that the Board authorize them to give Notice to Proceed on the Streuh-Hendricks project only. Is that agreeable?

Commissioner Willner said he thinks so. He has been getting calls from every resident on Smith-Diamond Rd. who say that if we're no longer to maintain the section in Posey County, then would we maintain our section of Smith-Diamond in Vanderburgh County. He wants Mr. Easley to take a look at that.

Mr. Easley said he was over it this morning. He and Mr. Bethel have a management meeting on the resurfacing program tomorrow morning and they will discuss this at that time.

Commissioner Willner said, "Along with Motz Rd. intersection."

Mr. Easley said "They have taken care of that intersection....he saw it personally this morning.

Commissioner Willner requested that Messrs. Easley and Bethel decide what they're going to do with Smith-Diamond..and he has no problem with Streuh-Hendricks then -- if there is enough money.

In response to query from Commissioner Willner, Mr. Easley said he thinks we should give J. H. Rudolph a Notice to Proceed on Streuh-Hendricks. The Chair entertained a motion. Motion was made by Commissioner Borries that J. H. Rudolph be given Notice to Proceed on Streuh-Hendricks Rd. project, with a second from Commissioner Willner. So ordered.

Claim/Morley & Associates: Mr. Easley presented a claim for construction engineering on Burkhardt Rd. project for month of July in the amount of \$2,589.13. It is his understanding that they are just about through with paperwork. This has been change orders, etc., to finish up the project. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Right-of-Entry Agreement/Log Jam: It was noted by Mr. Easley that after a lengthy negotiation, he has obtained a right-of-entry agreement from the owner of the property where the log jam is. He was with the contractor Saturday afternoon, at which time he indicated they would possibly start work today on getting that stuff out of the creek. Since the log jam was formed and the date of proposal (June 18th) additional material has floated down the creek. In all fairness to the contractor, Mr. Easley told him he thought it would be fair if he wanted to bill us on an hourly rate basis for additional work for up to \$1,000.00. (He bid \$3,000 initially.) The contractor said this would be agreeable to him. His proposal was very fair to begin with.

Work Release Program Proposal: Mr. Easley said he doesn't believe the Commissioners have seen the other portion of this proposal from the Work Release Program. He guesses that technically they will be paid out of this money. What kind of an administrative arrangement do we have? He has never handled a project of this type. He has worked with them on highway work, but do we give them a letter accepting their proposal? What about a Certificate of Insurance? In response to query from Commissioner Willner, Mr. Easley said he believes their time period to accomplish the work is pretty accurate. Commissioner Willner said that if it has the dollars, the county can enter into a contract with other governmental agencies at any time. Thus, he has no problem. The proposal is a total of \$9,141.00, with provision for additional work days. Attorney Jones re-entered the meeting and Commissioner Willner said the Board is asking for clarification concerning the Work Release Program re removal of logs from Pigeon Creek (where there is a log jam). The question is whether we should look for a lump sum?

Attorney Jones asked if there is a contract? Is this an unsolicited proposal?

Mr. Easley said the county has a contractor who is going to take the log jam out of the creek and put the logs on the bank. The Work Release Program has offered to cut up the logs and haul them away or dispose of the logs.

Attorney Jones asked if we have a release on that lumber from the owner?

Mr. Easley said we have a right-of-entry (copy of which he gave the attorney) and we're only taking logs out of the creek. They verbally told him they had no objection to our cutting down some trees to get the small dragline in there that is going to remove the trees from the creek. And the negotiation on this has taken

him a couple of months -- and we do need to get that log jam out of there. The contractor has already started work, but the Work Release people have not. We were encouraged to work with the Work Release people. They do not, however, have any chain saws and we're been requested to purchase four (4) good chain saws (which would then become the property if the bridge crew). In view of the size of the job and under the circumstances, he thinks this is a fair proposal.

There were questions concerning the supervisor of Work Release Personnel, but Attorney Jones made a telephone call and subsequently clarified the matter and stated there is no problem. Commissioner Willner reiterated that we need to get the log jam out of the creek before we have a large rain.

The Chair entertained a motion. Motion was made by Commissioner Borries that we accept proposal from Work Release for this project, with the provision that when the work is 50% complete we clarify the progress. Mr. Easley said that he will visit the operation. Mr. Bethel said that on all the work they have done for the county, they have been under the estimated amount. They really go the other way. It was suggested by Attorney Jones that they submit time records.

RE: ENSLE PLACE SUBDIVISION

Mr. Easley said that Ms. Thelma Williams, who is in the audience today, mentioned to him that perhaps we are now ready to discuss the 10 ft. by 12 ft. driveway for turnaround purposes on Colonial and perhaps accept those street improvements in Ensle Place (off Oakhill Rd.). He and Mr. Bethel have gone over this with a fine tooth comb. Commissioner Willner asked Mr. Easley for his recommendation. Mr. Easley said he would recommend that we accept it as a permanent turnaround, with the condition that he construct a 12 ft. wide 10 ft. long reinforced concrete driveway. At the request Commissioner Willner, Mr. Easley exited the meeting to retrieve letter he had written concerning acceptance of streets, etc., in Ensle Place Subdivision. He asked that Ms. Williams remain until such time as Mr. Easley returns with the information.

RE: REQUEST TO TRAVEL

President Willner presented a travel request letter from County Auditor Alice McBride, requesting permission for her and Peggy Powless, First Deputy, to travel to Indianapolis to attend state-called Fall Conference for County Auditors. The conference is scheduled for Thursday and Friday, September 25 and 26 at the Holiday Inn (Union Station) in downtown area. Mrs. McBride is also requesting reimbursement for lodging, meals and mileage, in accordance with State guidelines.

Motion to approve request, according to State standards, was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wednesday	Sept. 3	2:30 p.m.	County Council Meeting
Wednesday	Sept. 3	6:00 p.m.	Area Plan Commission Mtg.
Thursday	Sept. 4	1:30 p.m.	EUTS
Thursday	Sept. 4	4:15 p.m.	EUTS
Thursday	Sept. 4	6:00 p.m.	Finance Meeting

Monday Sept. 8 9:00 a.m. Tax Adjustment Board
Monday Sept. 8 2:30 p.m. Commissioners Meeting

RE: CERTIFICATE OF INSURANCE

Democratic Central Committee for Hot Dog Rally at Burdette Park on Saturday, September 6th.

RE: CLAIMS

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$43.74 for actual expenses in connection with suit of Vanderburgh County vs. James DeGroot in Gibson Circuit Court. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: EMPLOYMENT CHANGES

County Commissioners (Land Committee) - Releases

Donna R. Lawrence Clerk \$35.00/Day 8/9/86

Superior Court

James O. Dunaway Intern \$157.50/Wk. 8/22/86

Election Office (Appointments)

Sandie Deig Supv. \$5.70/Hr. 8/27/86

Carol Jean Primm Deputy \$5.40/Hr. 9/2/86

R. Warren Thompson Supv./Bal. \$5.70/Hr. 9/2/86

Burdette Park (Releases)

Charles Jackson Gr. Crew \$4.00/Hr. 8/9/86

Kristi Krietenstein Rink Guard \$3.50/Hr. 8/4/86

Bernard Farone Gr. Crew \$4.00/Hr. 7/28/86

Burdette Park (Appointments)

Jodi Carnahan Ext. Guard \$3.35/Hr. 8/20/86

James Jones Gr. Crew \$4.00/Hr. 8/19/86

Circuit Court (Appointments)

Amy Donahue Intern \$4.00/Hr. 8/1/86

Michael J. Danks Intern \$5.00/Hr. 8/15/86

Dennis Heathcott ADCS \$2,014.50/Yr. 8/25/86

Debbie Hayden Sp. Rep. \$4.50/Hr. 8/25/86

Tracy L. Thread Intern \$5.00/Hr. 8/25/86

CIRCUIT COURT (Releases)

Christopher Carl Law Clerk \$360/Pay 8/21/86

Debbie Hayden Sp. Rep. \$4.00/Hr. 8/22/86

Tracy Thread Intern \$4.00/Hr. 8/22/86

Lisa Winnecke Intern \$4.00/Hr. 8/22/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. L. Willner Sam Humphrey David L. Jones
R. J. Borries (Chief Deputy)
S. J. Cox (Absent)

COUNTY ENGINEER

Andy Easley

COUNTY HIGHWAY

Bill Bethel

COUNTY SURVEYOR

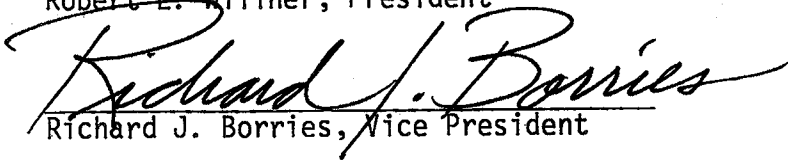
Bill Jeffers
(Chief Deputy)

OTHER

Michael Miodus
Thelma Williams
News Media

SECRETARY: Joanne A. Matthews


Robert L. Wilner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
(RECONVENED SESSION)
SEPTEMBER 2, 1986

President Willner called the reconvened session of the meeting of the Board of Commissioners to order at 4:10 p.m., stating the purpose of said session is to discuss the acceptance of streets and storm drainage improvements in Ensle Place Subdivision. A motion to approve the following streets was entertained:

Eastwood Drive	905 ft.
Century Lane	550 ft.
Colonial Avenue	995 ft.


It was noted by President Willner that the motion should also include using a driveway on Lot #36 as a turnaround for Colonial Avenue.

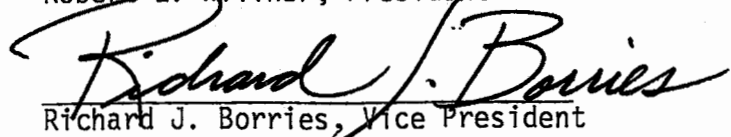
Motion was made by Commissioner Borries that, in accordance with recommendation of County Highway Engineer, the streets and storm drainage improvements in Ensle Place Subdivision be approved, and the use of a driveway on Lot #36 as a turnaround for Colonial Avenue also be approved. A second to the motion was provided by Commissioner Willner. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:15 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	David L. Jones
	R. J. Borries	(Chief Deputy)	
	S. J. Cox (Absent)		
	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>	<u>COUNTY HIGHWAY</u>
	Andy Easley	Bill Jeffers	Bill Bethel
		(Chief Deputy)	
	<u>OTHER</u>		
	Thelma Williams		
	Chuck Clark/Evansville Courier		

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 8, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 8, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by Commissioner Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of the meeting held on Tuesday, September 2nd, be approved as engrossed by the County Auditor, with a second from Commissioner Willner (since Commissioner Cox was on vacation last week). So ordered.

RE: REPAVING OF EICHOFF & HOGUE ROADS

The meeting proceeded with President Willner reading the following "Thank-you" card:

"Dear Mrs. Cox, Mr. Borries and Mr. Willner:

Thank you very much for authorizing funds to repave Eichoff and Hogue Roads. We truly needed this.

Thank you.

Sincerely,

Karen Barnes Ellis (9/4/86)

The Board members commented that it is nice to receive a "Thank-you" every once in a while.

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller said he has nothing to report to the Commissioners today. (He does have a statement which he is going to present to President Willner for litigation services from Bowers, Harrison, Kent & Miller in the amount of \$691.00, so the statement can be reviewed prior to presenting for approval at next week's meeting.)

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Reports: Mr. Bethel submitted copies of Work Reports for employees at the County Garage and the Bridge Crew for period September 1 thru September 5, 1986.....reports received and filed. Attached to the Work Reports was the following Work schedule for employees at the County Garage:

Gradall: Driveway tile - Nurrenbern Rd., Bender Rd., Ward Rd., and Driveway Tile - Hogue Rd.

Paved: Old Henderson Rd.

Patch Crew: Happe Rd., Vienna Rd., Duesner Rd., Rosenberger Rd., Pruitt, Heppler and Old 460.

Graded & Rocked: Happe, Seminary, Long, King, Newman and Hickory Ridge.

Mowed: Old Boonville Highway

The boys' summer crew trimmed intersections and road sides on Ward Rd., Skyline and Ridgewood.

Work Report/Bridge Crew

The Vanderburgh County Bridge Crew cut weeds and cleaned bridges in all sections of the county.

Trimmed trees around bridges in the northwest part of the county.

Repaired potholes on Delaware Street Overpass.

Weekly Absentee Reports: Also submitted for the same period were the Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Bethel.

President Willner said he has had some interesting calls during the past week. He had a call from a farmer on Motz Rd. (which is off St. Joe-St. Wendel Rd.) and one from a gentleman on Motz Lane. There seems to be some controversy as to whether the county owns both of these problems. The question on Motz Rd. was whether Vanderburgh County or Posey County owns the bridge. For the record, Mr. Bethel has contacted the County Surveyor, who has promised forthwith do to a survey in the area to determine whether the bridge belongs to Vanderburgh County. The original problem with the bridge was that the farmer thought it was not safe to trespass with his combine. There are no signs and the records in the County Highway Department, the Commissioners' Office and the Bridge Report do not say that we own that bridge. However, the bridge abutment does give the names of the Commissioners, etc. Thus something is suspect. We need to make this determination immediately. If that bridge is weak we need to know about it.

Commissioner Willner continued by saying there is some question concerning Motz Lane. It is on the County's Road Survey and also on the County Highway's list and he doesn't believe we are getting any road funds for it, so we want to do that.

President Willner requested that Mr. Bethel stay with the questions until we find the answers.

Commissioner Cox queried Mr. Willner concerning correct spelling of Motz Lane, asking is that "M-O-T-Z"? Mr. Willner confirmed that this is correct. Speaking to Mr. Bethel, he said the farmer who called him said his father is 99 years old and can tell the Commissioners anything about that road they want to know. Talk to him, also.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

MOTZ RD. BRIDGE: President Willner said that with regard to Motz Rd. Bridge, he wants Mr. Easley to get under that bridge and determine whether it is structurally safe -- no matter whether it belongs to Vanderburgh County or Posey County.

Mr. Easley said that he will do this; he and Mr. Bethel were discussing that this morning.

Continuing, Mr. Easley said he has nothing on his agenda today which requires action on the part of the Commissioners. The resurfacing program is proceeding well and everything seems to be under control. The log jam in Pigeon Creek is being removed.

Foundations for Traffic Signals/Allen's Lane: Mr. Easley said the Commissioners may have heard that they are getting ready to put in foundations for traffic signals on Allen's Lane.

Commissioner Willner interjected, "Before you do that, I think you had better get permission from the Commissioners. He requested that Mr. Easley provide the Commissioners with a cost estimate prior to proceeding.

The Chair entertained questions.

Commissioner Cox queried Mr. Easley concerning the road resurfacing program. On Page 6 in the minutes of last week's meeting (and she knows the bids were taken under advisement August 25th) it reports that the Commissioners awarded the contract to J. H. Rudolph for Streuh-Hendricks Rd. only.

Mr. Easley responded that we did not give them a Notice to Proceed on Bromm Rd. at this time.

Mrs. Cox said there were also some other west side roads thrown in with Streuh-Hendricks. Are those going to be done?

Mr. Easley said those roads (which are off Streuh-Hendricks) are being done under the contract awarded to The Rogers Group, Inc. The contract let last week was for Streuh-Hendricks Rd. only.

With regard to Bromm Rd., Commissioner Willner said the fact that we did not award the contract last week does not mean that we will not repave that road. It simply means that we're going to wait and see how our dollars hold out before we commit.

Mr. Easley said we have had some overruns and have had to make some pavement thicker than the original estimated 1-1/2 inches and there have been some overs and unders -- and we're trying to manage it.

Commissioner Cox said that on Page 6 (next to last paragraph) when Smith-Diamond Rd. is mentioned, she needs some clarification here -- because Mr. Willner said he was getting calls from every resident on "Smith-Diamond Rd.", asking that if we're no longer going to maintain the section in Posey County can we maintain the section in Vanderburgh County. Is he talking about "Smith-Diamond Rd." or Diamond Island Rd.? Commissioner Willner confirmed that he was talking about "Diamond Island Rd.". It was noted that the minutes should be corrected to read "Diamond Island Rd.".

Continuing, Commissioner Cox said she received a number of calls from residents out on Hogue Rd. (this was privately let contract when it was paved). There are some very deep shoulders along the sides of the road in various places (just past Peerless Rd., for instance, there are some driveways that have not been abutted up to properly and some pretty deep ditches or ruts alongside the pavement). Mrs. Cox said she drove Hogue Rd. from beginning to end last Saturday evening.

Mr. Easley said that west of Peerless, they have been holding off because of the trench that the contractor for the Telephone Company put in (the trench had not been compacted satisfactorily and the last time he was out there it was not finished). Mrs. Cox said it was all finished -- all the way to Upper Mt. Vernon Rd. But there are some bad areas (especially in the 7700 block, just past Peerless Rd.) -- and we have a lot of drainage problems in the area and some of the people are going to be getting the water now onto their property (rather than the water going down the side of the road) -- so she doesn't think the answer is putting white rock in there; we may have to do what we did at the other corner of Hogue Rd. and that is go in with the County Highway people and wedge out those shoulders there.

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wednesday Sept. 10 8:00 a.m. Tax Adjustment Board

Commissioner Borries noted there is a kick-off luncheon for United Way this week. However, Mr. Lindenschmidt is not going; they will be coming to him after the meeting, since Mrs. Meeks is on vacation this week. Mr. Lindenschmidt has done a nice job of coordinating the county's campaign, and we've been very successful the last few years.

RE: CLAIMS

President Willner said he does not have any claims to present to the Board for approval today.

RE: REPAYMENT OF SUNBEAM PLASTICS LOAN

It was noted by President Willner that he has a document concerning the repayment of Sunbeam Plastics loan which requires the signatures of the Commissioners and the County Auditor, and he requests that they stay after the meeting to execute said document.

RE: EMPLOYMENT CHANGES

Election Office (Appointments)

William E. McKinley	Ballot Aid	\$72.64	9/8/86
(Left off payroll for Spring Election)			

Cooperative Extension Service (Appointments)

Michael Boenigk	Part Time	\$25.00/Day	9/5/86
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Cooperative Extension Service (Releases)

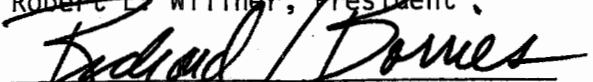
Anthony J. Miller	Part Time	\$27.00/Day	9/2/86
Roger Angermeier	Part Time	\$27.00/Day	9/2/86
Jana Freudenberg	Part Time	\$31.00/Day	9/2/86
Karen KoesterPart Time	\$35.00/Day	9/2/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 2:50 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Alice McBride	David V. Miller
	R. J. Borries		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>OTHER</u>
	Bill Bethel	Andy Easley	Chuck Clark (Evlie. Courier)

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 15, 1986

The Vanderburgh County Board of Commissioners met in session in the Commissioners' Hearing Room at 7:30 p.m. on Monday, September 15, 1986, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the Reconvened Commissioners' Session on September 2, 1986 and the Commissioners Meeting on September 8, 1986.

Motion was made by Commissioner Borries that the minutes of both meetings be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: AUTHORIZATION TO OPEN BIDS ON RESTROOM FACILITIES AT BURDETTE PARK

President Willner entertained a motion to authorize County Attorney David Jones to open bids received on restroom facilities at Burdette Park. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: PROPOSALS ON "B" STREET UNDERPASS

It was noted by President Willner that it is his understanding there were three (3) proposals received on the "B" Street Underpass.

RE: PROPOSALS ON LYNCH RD. EXTENSION

President Willner said he also understands that ten (10) proposals were received concerning the Lynch Rd. Extension. He requested that Mr. Jim Lindenschmidt assist County Attorney Jones in opening of bids on the three aforementioned projects.

RE: REZONING PETITIONS

President Willner announced that there are no First Readings to come before the Board tonight.

VC-16-86/Petitioner, Jack Rogers (3rd Reading): It was noted by Commissioner Willner that common known address of subject property is 5221 and 5231 Oak Grove Rd. The zoning is M-2, and petitioner is requesting down zoning to M-1. The Chair then recognized Mr. Rogers, who was seated in the audience.

Mr. Rogers said this is a down zoning and the reason he is requesting same, as explained before, is that the Area Plan Commission ordered him to develop this property in concert with the surrounding property. Thus, it is necessary to change zoning from M-2 to M-1. In the old zoning law prior to 1983 (prior to which time he purchased the property) he could utilize an M-1 use within an M-2 or M-3 zone. With the new law, that is no longer possible. Thus he is requesting the Board to down zone this property so he can develop same in a manner consistent with the already developed surrounding property. Subject property sets just west of the corner of Cullen Avenue and Oak Grove Rd. To the east is the Evansville Drywall Company, Kight Lumber and Complete Lumber Co. To the mid-east is Amax Central Lab and to the west lies ITT Technical Institute and the mini-warehouses and Niehaus Industrial Sales. In talking with members of the APC, it is his understanding that under current zoning regulations none of these uses would be permitted, because none are manufacturing

uses. He has spoken with the neighbors and he has copies of letter requesting the Board to rezone the property to permit its use in concert with surrounding properties. Letter was signed by Kight Lumber Co., Evansville Drywall, Niehaus Industrial Sales, Quality Home Improvements, Inc. and The Citizens National Bank. Mr. Rogers then entertained questions.

In response to query from Commissioner Cox, Mr. Rogers responded that there is a 30 ft. right-of-way either side of centerline of Oak Grove Rd. Only about 12 ft. to 15 ft. of that right-of-way is taken up by Oak Grove. An inspection of that area reveals that most people are utilizing the green space between the edge of the pavement and their parking area green space. That is still within the right-of-way of Oak Grove Rd. He would hope that he would be able to do the same thing that they are currently doing. This is the reason he will request the variance. He will put green space in there; but he would like for it to be between the edge of the pavement and the right-of-way line of Oak Grove Rd., like the other people along there.

Commissioner Borries asked Mr. Rogers if this right-of-way is south of Oak Grove Rd., where the pavement is? Mr. Rogers replied in the affirmative.

Mrs. Cox said she needs to clarify that in the minutes of the APC there was a question asked about an encroachment from there. Is this one and the same thing that he is talking about? Mr. Rogers responded in the affirmative, saying they will request the encroachment on its own merits; if it is not granted, they have enough parking places that they can use at the side of the building.

There being no further questions, the Chair asked if there are any remonstrants who wish to speak with regard to VC-16-86? He repeated the question. There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-16-86 be approved, with a second from Commissioner Cox. The Chair asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared the petition approved by unanimous vote.

VC-17-86/Petitioner, Jagoe Homes, Inc. (3rd Reading):

Commissioner Willner said subject property is zoned R-3 and this is condominiums. Property was down zoned from C-4 to R-3 in November, 1985. He asked Mr. James Morley if the condominium has now been built on subject property? Mr. Morley said it is under construction at this time. President Willner said the Board needs to make this a PUD (Planned Unit Development) at this time and both land and improvements will be under a Homeowners' Association. Mr. Morley verified that this is correct.

Commissioner Willner said it is his understanding that we need to prohibit the Association from disposing of the undeveloped land. Is that correct? Mr. Morley verified that this is correct.

Mr. Morley said this project was zoned R-3 and subsequently it was determined that, because of the deeding of the land upon which the building sits and a little front yard and back yard, it did not fall within the guidelines of Indiana's Horizontal Property Regime Condominium Act. Therefore, promises have been made to certain buyers of these units about owning the land, leasing the yard and unit later on. To be able to record it, the only thing we can do is rezone it as PUD. Mr. Morley proceeded by reading the Certificates of Incorporation of the Lofts Service Association, Inc., which would be the association that would own all of the common areas and, as the matter came up at APC, he will read the words inserted into these documents by the attorney for Jagoe Homes, Inc. to satisfy the requirements.

"In no event shall the association dispose of or develop the common areas, and in the event the association determines at a future date that it does not wish to continue to hold title to the common areas, it shall create a declaration of condominium under the Horizontal Property Regime Act and convey undivided interests in the common areas unto each condominium owner. Thus, the association will be the permanent owner, although it could decide to make the whole thing a condominium if they so wish. And I believe that meets the requirements requested by the bank."

Commissioner Willner asked if this will be recorded on the subdivision plat?

Mr. Morley said that stipulation. He thinks one way to do it would perhaps be to record the stipulation on the plat and they are ready to do that tomorrow or as soon as it can be done.

Commissioner Cox said, "Then, Mr. Morley, what we are actually doing here is that there is no change in anything that is out there now; it is simply just changing the rezoning classification from an R-3 to a PUD to satisfy some of the statutes. Mr. Morley confirmed that this is correct."

The Chair entertained further questions. There were none.

The Chair asked if any remonstrants are present to speak concerning this rezoning petition?

Mr. Steve Martin was recognized by the Chair. He stated that he is a lifelong resident of Evansville and is currently purchasing one of the PUDs under discussion. He said he is not represented by an attorney and he would like some clarification. The legal distinction between a PUD and a condominium is unclear to him. He is somewhat concerned about the homeowners' association in that in their office he began a loan application through FHA, which states there is no homeowners' association. He is also concerned about the last minutes that the exterior structure will now be up to the individual owners. He has questions about that. Exactly what does that mean? What does that do to property value, etc.? He said he is undergoing litigation with this company regarding fraudulent advertising and practices, so that is why he is here asking questions.

Commissioner Willner said these are very good questions and the Board will attempt to answer them one at a time.

First, his FHA Home Loan says there is no homeowners association? Mr. Martin confirmed that this is correct. Mr. Willner asked if it specifically outlaws that or is that just a notation? Mr. Martin said he assumes that is a notation. He is prepared to show it to the Board.

Mrs. Cox asked, "Does this mean that your loan is subject to approval based on the fact that there is no homeowners association? Mr. Martin said he cannot answer this, because he needs an answer to that question. This is what he is asking the Board."

Mrs. Cox asked, "You're asking us if your FHA loan is going to be approved if there is a clause in here that says 'homeowners'". Mr. Martin said, "That; and, primarily, I'm asking, what is this company doing here? They are saying there shall be no homeowners association and now we're reading in that there shall be a homeowners association. He is concerned about who shall make up this homeowners association. He was told there would be a fee of \$20.00 per month for maintenance fee without a homeowners association when he agreed to purchase the property. Now he doesn't know what is going to happen."

Commissioner Willner said, "Very good question."

Commissioner Cox said she believes someone from Area Plan should go to the podium and explain the difference between a condominium in R-3 zoning and a PUD zoning is. Mr. Martin said that Ms. Behme explained that to him. As he understands it, the difference is the ground underneath, primarily.

Ms. Behme said that is correct. APC was under the impression that these were going to be condominiums and R-3 is sufficient for condominiums. They go with the land and not the home ownership. It was to be recorded in the Recorder's office and, because of the fact that they are including the ground underneath each unit, that does not qualify under the Horizontal Property Regime Act. You don't sell the ground underneath a condominium; you sell them within the walls and common area; but you don't sell the ground or the roof for an individual structure. Mr. Steele in the Recorder's Office said this does not qualify as a condominium. The only alternative and only other solution to record it would be to a PUD. These are each individual units with ground underneath and their attorney said the only problem he had with that was the disposition of the company. What the company could do with the common areas -- they could sell them, develop them....He wanted something in writing (preferably on the plat) that the common areas could not be sold as a separate entity -- they become the ownership of the homeowners association.

Commissioner Willner asked if their attorney was cognizant of the fact that some of these condominiums have already been sold?

Mrs. Behme said, "Yes. That is why we are here, because they couldn't record the condo plat -- it has to be a PUD in a subdivision and a subdivision was approved at APC meeting, subject to the Commissioners' approval tonight, as a PUD. Evidently, this is the way they do it in Kentucky -- but it is not the way you do it in Indiana. In Indiana, you can't sell the ground underneath.

Commissioner Willner asked if Ms. Behme has an answer to Mr. Martin's first question concerning the FHA LOAN?

Mrs. Behme said she cannot.

Mrs. Cox said it was her understanding that in a PUD there can be various thing go in there.

Ms. Behme said that plan will have to be recorded as a subdivision and the condos are already built. The only reason APC and Jagoe are here is to record a plat so they can close their loans. The only other alternative was the zero lot lines and residential PUD. Right now they can't close loans until the plat is recorded -- either as a condominium or a PUD subdivision.

Ms. Cox said of the PUDs that have come before the Board since she has been on the Commission, she remembers the zero lot lines, etc. Does that have to be? She can see the need for a homeowners association if they are going to have zero lot lines. But if they're not going to have zero lot lines ...

Ms. Behme interjected, "These are attached."

Mr. Morley said that in a condominium, there is a condominium association. The condominium association does not allow an outside interest to own the association. It is made up of every resident within that condominium and they have a set of documents almost like the ones he is holding. Mr. Martin's loan application with FHA and the statement that "none recorded yet" is absolutely correct. It cannot be recorded until this Commission gives it approval for rezoning. Until that time, any application in FHA would simply note "not recorded yet" and this cannot be recorded yet.

Mrs. Cox said,. "I understand that. But I guess I misunderstood Mr. Martin when he was questioning that previously there was no homeowners association and now there is."

Mr. Morley said, "Yes there was. A condominium is a homeowners association. As I said, you can't have an outside interest, but there still is a homeowners association within the condominium. There always is. There is nothing else allowed under the law. But there is always an association."

Commissioner Willner said, "When Mr. Martin purchased his condo, he said he was told that it would be \$20.00 to \$25.00 per month maintenance fee. Now, what happens to that figure under the PUD and the homeowners association. I think we're talking 'monetary'. Shirley.."

Mr. Morley said the association is owned and controlled entirely by the resident owners. If they, as a group, and the documents allow for some majority opinion to arrive at that) -- but they, and only they, set the amount of their monthly assessment for maintenance. They simply share in their cost. If they, as a group, jointly decide that it shall be \$15.00, then it will be \$25.00. If they decide it will be \$40.00, it will be \$40.00. But only they have the control. There is no outside interest that can operate the common area and then take away funds from that operation. That is what is important.

Commissioner Willner asked, "Then the \$20.00 per month that he was to have paid is no longer valid?"

Mr. Morley said that is probably the initial amount set up. You have all the grass area, the parking lot and....

Mrs. Cox asked, "Does it state a monthly figure in this new "

Mr. Morley interjected, "No; no. It gives the association the right to jointly set that."

Mrs. Cox said her next question then is, "Changing it from an R-3 to a PUD should in no way affect the monthly payment."

Mr. Morley said that it would not.

Commissioner Willner said, "If a storm blew a roof off tomorrow, he'd be responsible for replacing the roof -- and I can't buy that."

Mr. Morley said, "He owns it -- just like a house. Under the association that we're talking about, he owns his house in total. He owns it and insures it. If the roof blows off the east unit down there at the other end, his association doesn't have to go fix it. He is only responsible for his alone -- that is what seems to attract some people to this particular method. That is, a person insures and is responsible for their home unit, just like any other single family house. That is the difference. The association doesn't go out and fix the units for the other people or even his own. They own it, insure it and maintain it totally as their own."

Commissioner Willner asked, "Would the FHA have approved this loan had they known that this was Not a condo but a PUD?"

Mr. Morley said that FHA is far beyond just Indiana. He would think that since this is a repeat of a method that has been done numerous times, he would think there is no reason why this particular method or document would prohibit an FHA approval. In other words, there are units done exactly this way and yes, they are approved by FHA.

Commissioner Willner asked how many units were sold before this change came about? Mr. Morley responded, "There have been no closings or final sales whatsoever."

Mr. Jagoe said that it is his understanding that Mr. Martin's application was denied by FHA last week. Mr. Martin interjected that this is news to him.

In response to query from Commissioner Willner, Mr. Morley reiterated that there have been no closings; there have been no final sales whatsoever.

Commissioner Willner said that if Mr. Martin would want his down payment or money returned to him they would do so? Or, any like him?

Mr. Martin said this is news to him. Mr. Jagoe knows something about his personal business that he doesn't know. First of all, he makes his point moot. At any rate, what he is saying -- he guesses it is legally fine concerning what they are going to do. But it is still contradictory to what he was told was going to happen. It was his understanding that Jagoe was going to set up a sort of trust fund to take care of the outside common areas.

Commissioner Borries said he believes Mr. Martin had some concerns regarding the status of these public areas and the grounds and maintenance, which he thinks have now been addressed.

Mr. Morley commented that either way you go, it is owned by the Association; it can be no other way. An outside entity cannot own it and make a profit off it.

Commissioner Borries asked if all prospective buyers have been notified of this change? In other words, has Jagoe notified them at this point to inform them of any change should any person want to...?

Mr. Jagoe responded, but his comments were inaudible, since he was speaking from his seat and did not approach the podium.

Commissioner Cox asked Mr. Martin how he found out about these changes?

Mr. Martin responded that a colleague of his was purchasing a home for his daughter, who happens to work for a law firm here in Evansville -- and took time to call him over the weekend to express her concerns, and he decided not to buy this particular piece of property.

Commissioner Borries said there are different kinds of ownership under a PUD and different kinds of developments; some might be multi-unit housing and some might be single units. That is why he asked, to make certain that if Mr. Martin brought up these kinds of concerns if there were others who wished to buy or wished not to buy.....if they have just been notified of these changes and if it has been explained to them. He asked Mr. Martin if all of his questions have been answered?

Mr. Martin said Mr. Jagoe has advised that his loan has been refused (and he hasn't been told this yet) -- if that is the case (and he assumes it is) then he doesn't care what happens.

Commissioner Willner said that might be a technicality with FHA, also.

Commissioner Borries said that should Mr. Martin want to terminate any agreement in any way then Mr. Jagoe is willing to do that? Mr. Jagoe responded in the affirmative.

President Willner twice asked if there are any remonstrators against VC-17-86. There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-17-86 be approved, with provisions recorded on the subdivision plot.

Commissioner Cox expressed appreciation to Mr. Martin for coming tonight. Could the motion include that the developer notify each of these individuals in the change in this from what it was to a PUD and give them an option to go ahead?

Commissioner Borries agreed to amend his motion to include the notification at this point to tentative buyers of the subdivision plots, with a second from Commissioner Cox. Commissioner Willner then asked for a roll call vote: Commissioner Cox yes; Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared rezoning petition VC-17-86 approved by unanimous vote.

RE: READING OF BIDS - RESTROOM FACILITIES AT BURDETTE PARK

Attorney Jones said there were six (6) bids received concerning restroom facilities at Burdette Park, as follows:

Wink Construction, Inc.: Bid rejected, as it was not in order. It did not contain a bid bond or a non-collusion affidavit.

M.C.I., INC.: Primary Bid of \$24,634,.00.

CCC OF EVANSVILLE, INC.: Bid of \$34,535.74.

R-ALLEN CONSTRUCTION CO.: BID OF \$32,230.00.

ARC CONSTRUCTION CO., INC.: Bid of \$40,750.00.

A & C CONSTRUCTION CO., INC.: Bid of \$31,781.00.

President Willner entertained a motion to take bids under advisement, so the consultant and Burdette Park Manager may peruse the bids. Motion to this effect was made by Commissioner Borries with a second from Commissioner Cox. So ordered.

RE: PROPOSALS FOR "B" STREET UNDERPASS

President Willner asked if Mr. Easley wants to speak to the proposals on "B" Street Underpass? He asked if Mr. Easley recalls that under the present law that this has to be advertised?

Mr. Easley said he would like to take responsibility for communications breakdown. A sample advertisement was handed to him a few weeks ago and he guesses he assumed that someone else was going to advertise. He apologized, saying this will probably cost us a 2-3 weeks delay in getting proper proposals.

Commissioner Cox queried Mr. Easley concerning the advertisement. It was pointed out that the sample is not an advertisement concerning "B" Street Underpass, so the Commissioners cannot approve same.

President Willner asked if the Board should reject all bids and instruct the advertisement of said project? Mr. Easley responded in the affirmative. President Willner entertained a motion to reject the three (3) proposals without public reading of same. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Mr. Easley said he will write the specs, place an advertisement and try to get the proposals in as quickly as he legally can.

Commissioner Cox asked if Mr. Easley needs permission from the Board of Commissioners to place legal advertisement, when it is to be advertised, the due date of the bids and scheduled date of opening?

President Willner said he would think that Mr. Easley should complete the necessary specs by next Monday and bring same back to the Board. The advertisement will not be placed prior to approval by the Board.

RE: PROPOSALS ON LYNCH RD. EXTENSION

The meeting proceeded with President Willner reading the names of the ten (10) firms that submitted proposals on Lynch Rd. Extension Project, as follows:

Three I Engineering, Inc. (Evansville)
Fink, Roberts & Petrie, Inc. (Indianapolis)
Boyd E. Phelps, Inc. (Indianapolis)
Berardin, Lochmueller & Assoc. (Evansville)
United Consulting Engineers, Inc. (Indianapolis)
Floyd Burroughs & Assoc. (Indianapolis)
Sebree, Craig & McKnight (Indianapolis)
Morley & Associates, Inc. (Evansville)
Veach, Nicholson & Griggs Assoc. (Evansville)
Aecon Consulting Engineers (Nashville, IN)

The notice sent to Roy Littlejohn Assoc., Inc. in Indianapolis was returned marked, "Address Unknown".

Attorney Jones said the only thing he can record on that would be the overhead rate, and he assumes that is what was to be included in the blank provided. However, a few of the firms did not submit an overhead rate. They say it is available upon request. It was not a requirement. Besides that, the lump sum figure in the contract is not going to necessarily be reflected in the overhead rate. Thus, it is meaningless to go into this. However, it is there should anyone want to see same.

President Willner remarked that the Board should now select two or three companies from the ten, and call them in for a consultation -- to match our policy?

Mr. Easley responded, "Yes."

Mr. Willner asked, "What is the number?" Mr. Easley said he does not recall the exact number. Commissioner Willner then queried Attorney Jones concerning the number to be selected? He said he would have to check this out. Mr. Easley said that three or four seems to stick in his mind. President Willner asked that Mr. Easley look this up, then the Commissioners will take this under advisement for two to three weeks. Is that sufficient time? Mr. Easley said he thinks it is. President Willner said he understands that in the advertisement it was so stated that we would meet with these companies on September 17, 18, and 19. Mr. Easley said he thinks that is rather soon. Commissioner Willner said that if the legal said that, we'd better well do what the legal ad said.

Commissioner Cox said she has a note that on May 5th, Mrs. Zigenfus reported to the Board (page 6 of May 5th minutes) that she had received notification from the State that the Environmental was approved on April 28, 1986, and it needs to be in design stage by September 1, 1986. Are we running out of time? When she carried this over, she saw the ad in the paper and she thinks we had set September 30th as some kind of deadline. If she has revised that from September 1st to September 30th, taking two weeks to look at these proposals is going to run the Board well over their deadline. And she said it must be in design. That means the Board has to choose a consultant and said consultant must be started on the design by that time -- if she understands Mrs. Zigenfus' report to the Board correctly. President Willner requested that Mr. Lindenschmidt retrieve a letter from Mrs. Zigenfus, which is on his desk. He said he talked to Mrs. Zigenfus this morning

concerning subject matter, (she was leaving the city) and he asked her to send correspondence down, which she did. Her recommendations for Lynch Rd. Project are as follows:

Select and schedule at least three (3) consultants to be interviewed on Friday, September 19, 1986.

Divide the design project into two (2) separate contracts: One from Oak Hill Rd. to Burkhardt Rd. and one from Burkhardt Rd. to Telephone Rd.

The logic behind the division of this project would be to separate the contracts. This will expedite the design, the scope of the work and also permit the Commissioners to focus on the merits of the projects, basic roadway and small bridge in the first phase of design, as well as the major structure and roadway necessary for the second phase. When evaluating the consultant proposals, consideration must be given to the historical data and the specific qualifications of said firm. It is very clear that September 19th is when the Commissioners need to do this. He sees no reason that they should not be able to do it.

Mr. Easley asked that Mr. Willner clarify the letter. We're going to be selecting a consultant for each phase? Commissioner Willner said she doesn't say "we must"; but that is what she suggests.

Commissioner Cox asked what is in the proposals? Is this just a consulting firm giving their credentials to the Board, so the Board can determine whether they can carry the scope of the job?

Commissioner Willner confirmed that this is correct. There is no price.

Mr. Easley said he concurs with Mrs. Zigenfus' recommendation. East of Burkhardt Rd. would be the large interchange with I-164. West of Burkhardt is the bridge over Pigeon Creek -- and that is a fine place to splice the two designs together.

In response to query from Commissioner Cox, President Willner said that by September 19th the Commissioners must select three firms from the ten proposals received.....

Mrs. Cox interjected, "Where did the number '3' come from? Why couldn't it be 5?"

Commissioner Willner said the three came from our Design Consultant Selection Process. Mr. Easley said he has a copy in his office.

Commissioner Willner noted that Mrs. Zigenfus had indicated three.

Mr. Easley said the Commissioners can perhaps stay later this evening to peruse the proposals. These people have to be notified if they are to be here on September 19th.

Commissioner Willner agreed, saying he believes they are already cognizant of the September 19th date.

Following further brief discussion, the Commissioners agreed that they would meet at 3:00 p.m. tomorrow (September 16th) to go over the proposals and select consultants for interview.

RE: VACATION OF PUBLIC UTILITY EASEMENTS ON PEACH BLOSSOM LANE

Ms. Susan Kirk, who was seated in the audience, said she doesn't know about all the easements, but one of the easements (between Lots 31 and 32 now has an existing main water line and sewer line and Union Federal was aware of that when she called them.

Attorney Jones said the vacation does not affect the public utility easement, as provided by Statute (I.C. 36-7-3-16 (in the Supplemental part, because there was a 1986 amendment effective September 1st)).

The meeting continued with Commissioner Cox reading the letter from SIGECO and Attorney Jones reading the letter from the Water Department (see Exhibits 1 and 2 attached hereto). Attorney Jones said he also has copy of letter from Morley & Assoc. to Howard P. Trockman. However, he doesn't think that can be construed as a 'consent' letter. (See attached as Exhibit 3). Actually, a Trust is the owner of the property.

Commissioner Willner requested that Attorney Jones repeat the State Statute one more time.

Attorney Jones read, "Indiana Code 36-7-3-16. Sub A and B."

Sub-section A Platted easements may be vacated in the same manner as public ways and public places.

Sub section B Notwithstanding this article, vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated if at the time the proceedings are instituted the utility is occupying or using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this sub section by filingto the vacation proceedings." Then there is a statute that sets forth the four (4) grounds for filing a remonstrance. A remonstrance or objection is permitted under this chapter and may be filed or raised by any person aggrieved on the proposed vacation, but only upon one or more of the following grounds:

" 1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

3) The vacation would hinder the public's access to church, school or other public buildings or public place.

4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous."

Mr. Morley said this subdivision was platted and recorded several years ago with some very heavy restrictive covenants concerning the size of the houses that had to be built there. The subdivision ran into problems and Union Federal wound up with the subdivision back in their hands. In attempting to market the land and the property they found that they were trying to market a requirement to build too big a home on too small a lot. Thus,, the decision was made to cut down the number of lots in the subdivision and give them a lot and a half -- they could maybe then attract buyers and builders who are willing to go that large a house if they have a larger lot. Union Federal is aware of the electric primary in the one easement and should they sell to a person, as a condition to that sale, they would pay them to relocate that primary (to move it out around the house) -- then that is a decision they could make at that time. If this Board vacates it as a public utility, then all they need to do -- they have one easement and one place to go and that is SIGECO on the primary line. They would then go to them, make payment for relocation of 10 ft., or make adjustments to whatever location -- it it was necessary. If was not necessary, they could go ahead and sell with the assurance that the primary power is in there but nothing new is going to come in -- so there would be digging through the yard or whatever. The vacation should be made

subject to the rights of SIGECO just as essentially the law read by Attorney Jones says. That is correct. There is no attempt to vacate an easement out from under any utility. It is recognized that SIGECO is in one and the water and sewer are in the other -- on both the water and sewer, it is also possible in those instances that it might be worthwhile depending upon the shape of the house to move that line over. It cost money; but that is an economic decision based upon what the selling price is and whether or not they can sell it if they move it. And they have one entity to deal with. They don't have to go back to the Telephone Company, Western Union or any other public utility and go through this procedure all over again when they do decide that they want to do that. So their request is that the Board vacate the public utility easements subject to the rights of any existing utilities and essentially the existing utilities are those which have been mentioned here tonight -- the water and sewer in one and the primary power in the other. They now are there; and it allows them the freedom to negotiate individually if it becomes necessary. They probably will remain right where they are.

Commissioner Cox said it would seem logical that if we have an easement there that contains our utilities (which we do); as pointed out, we have one utilized by water and sewer lines and another one utilized by SIGECO -- it would seem that whenever a request for a vacation came in that they would make some kind of a provision in this request for a relocation of those utilities. She does not see that in this proposal.

Mr. Morley pointed out that there is no proposal for relocation and no request for relocation.

Commissioner Willner said that what Attorney Jones said, if he understands it correctly, is that the public utilities would have an easement, no matter what the Board does.

Mr. Morley reiterated that there is no intention at this time to relocate anything -- none whatsoever.

Commissioner Willner said, "But if there were, it would be at their own expense."

Mr. Morley said that is correct; and they would completely work out all negotiations with the utility involved -- directly with them -- and would not have to come back to this Board to go through the explanation all over again.

Following further lengthy discussion, Commissioner Cox asked, "My question is, if we vacate a public easement that has utilities in it, then what authority does that utility have to go onto this property which is no longer an easement and do work that they need to do on their lines or on their underground pipes that break and how much static are the home owners going to get when there is no easement there, and here they get a city water department truck with a back hoe and everything come in and digging up the yard?"

Mr. Morley said the water and sewer department easement does not vacate. It stays there exactly where it is right now. The only thing the Board is doing is essentially removing the right for the Telephone Company or others to come in. We are limiting it to what is there now.

Attorney Jones explained that a utility easement is separate and distinct from a public easement. A public easement means that anybody can walk across it, drive cattle through it -- you use it as a public way. The county, to that extent, can speak for the public way. When it comes to the utility easement, the utility has powers that exceed the governmental body, and their easement is separate and distinct from what the public easement is. So in essence, the county can vacate only so much. You can't

vacate the utilities, unless the utilities agree. That is what the Statute is saying. The utility takes whatever it wants to take and can go where it wants to -- it simply condemns it.

Mr. Morley said the process here tonight does not vacate that insofar as the water and sewer is concerned at all.

Attorney Jones said the only thing he would not be certain of is there is a telephone easement there now. By virtue of the utilities staying, as to whether they can come in and ride on top of that -- that would be between the two utilities. Generally there is an easement out there that all utilities can share as long as they don't interfere with each other. However, that question hasn't come up and he is not certain about this.

Mr. Morley emphasized that they are not wanting to vacate the easements insofar as the water and sewer easement is concerned. Only with regard to the public utility easement.

Mrs. Cox said it does say "public utility easement" on the application. However, she requested that Mr. Morley address SIGECO'S concern on Tract #4. He said SIGECO called him and they went over the wording, which is fine. They have a primary line and he doesn't plan to move that. He is asking for vacation of that insofar as public easement is concerned, but not as a power easement. There would be easement for SIGECO right there for their power line. That easement will stay in force just as it is. She indicated they'd like to have Union Federal sign a document for that, also, which is fine.

The Chair entertained further questions. Hearing none, President Willner entertained a motion.

Commissioner Cox said she would like to see Mr. Morley go back and present to the Board a revised Petition that states exactly that the public utility easement vacation between these certain tracts where the water and sewer and line are will have to stay.

Commissioner Willner said the State Statute says that -- that they do stay.

Commissioner Cox said the public utility easement needs to be marked.

Mr. Morley said that is what they are requesting for it not to be -- a public utility easement. They want it to be a utility easement for what is there.

Commissioner Borries said that the Board really needs to consider then is a portion of the easement for power utilities. He is stating that the water and sewer utility portion of the easement will remain the same -- and will stay where it is. Is that correct?

Mr. Morley said the request is to vacate it as a public utility easement. Over where the water and sewer line, it probably doesn't make any difference if the county retains public utility rights within that particular easement.

Commissioner Borries asked, "If this is vacated, how would someone get on that property to work on it?"

Mr. Morley said the utility company who had the facilities there retained all rights to get onto the property. But an outside utility company not now there gives up the rights, as does the county, to any facilities it might want to consider -- storm drainage or whatever. The vacation of that easement...

Commissioner Borries said he just wants to get some clarification on the the water and sewer portion of the easement can be maintained and vacate the power portion. Can that be done?

Mr. Morley said he would think he could come back to the Board with an acknowledgment of these utilities.

Attorney Jones said the Counsel for Union Federal should prepare the ordinance.

Mr. Morley asked if Counsel for Union Federal prepares such language acknowledging these utilities, would they have to wait another full month, or could it come back to the Commission before that?

Attorney Jones said, "In fact, it should have been here were they going to get it approved, because the Petitioner always prepares it.

President Willner said if they will prepare this, it could be brought back next week.

Mr. Morley said he will get with Counsel for Union Federal and ask them to prepare those documents to state that those easements will be retained by the specific utilities and easements will be defined in said documents.

RE: COUNTY ATTORNEY

The Chair called upon the County Attorney for his report,, but he said he had nothing for the attention of the Board.

RE: VANDEBURGH AUDITORIUM - REQUEST TO GO ON COUNCIL CALL

President Willner said he has a request from Kim Bitz to go on Council Call for an additional appropriation of \$23,700.00. Funds are needed before December 1986 to implement major repairs to the cooling tower, an important part of the air-conditioning system. This work must begin no later than December to insure its completion by the 1987 air-conditioning season. The only alternative is a complete replacement of the tower at double the cost. The request has been approved by the Auditorium Advisory Board. The matter has also been discussed with County Council and they have asked that he come back at this time during the 1986 fiscal year for those funds that were not expendable.

Motion was made by Commissioner Cox that the request to go on Council Call be approved, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Reports/County Garage & Bridge Crew: Mr. Bethel submitted copies of the Weekly Absentee reports for period of September 8 thru September 12, 1986....reports received and filed.

Weekly Work Report/County Garage: Also submitted for the same period was the Work Report for employees at the County Garage....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Ward Rd., Old Boonville Hwy. Install driveway tile on Wedeking.

Paved Old Henderson Rd. Will start on Middle Mt. Vernon Rd.

Patch Harmony Way, Happe Rd., Old Henderson Rd., Martin Lane, Burkhardt Rd., Duesner Rd., New Harmony Way, Middle Mt. Veron Rd., Upper Mt. Vernon Rd., Detroy Rd., Buena Vista Rd., Kansas, Kramer and Kleitz Rds.

Cut
Humps: Oak Hill Rd. and Old Petersburg Rd.

Graded
&
Rocked Long and Happe Rds.

Mower St. Joe Avenue, Old Princeton Rd., Peck Rd., Old State Rd., Inglefield, Seven Hills, Old Petersburg, Volkman, Orchard Rd., Middle Mt. Vernon Rd., Boonville-New Harmony Rd., Kansas, Seib, Hedden, Felstead, and Peerless Rds.

The summer crew boys worked on Motz Rd., Motz Lane, Old Henderson Rd., Goebel Lane and Olivia Drive.

Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew....report received and filed. The Bridge Crew:

Rip-rapped in the northern part of the county.
Worked on Delaware Street repairing the bridge.
Cut and cleaned weeds on Maryland St.
Cut weeds in the eastern and western part of the county.
Installed pipe in the western part of the county.

Request to Purchase (2) Snow Plows & (2) Salt Spreaders: Mr. Bethel requested permission to purchase two (2) snow plows and two (2) salt spreaders for the two new trucks. Commissioner Willner asked if he has the money in his budget? Mr. Bethel said he has. The Chair entertained questions.

Commissioner Cox asked if these are to replace present equipment or will the new equipment be to fit new trucks? Mr. Bethel said the equipment is for the two new trucks they just purchased. In response to query from Commissioner Cox, Mr. Bethel said this would give them fourteen (14) pieces of equipment altogether at the County Garage, including the graders and everything. Mrs. Cox asked how many snow plows they have currently? Mr. Bethel said they have six (6).

The Chair entertained a motion.

Motion was made by Commissioner Borries that the request be granted with a second from Commissioner Cox. So ordered.

Commissioner Willner asked that Mr. Bethel work with the Purchasing Department re this equipment.

Mt. Vernon Rd./Lack of Sign: Commissioner Cox said a gentleman called her concerning 7216 Upper Mt. Vernon Rd. There is a bad curve and there have been several bad accidents. People have been going up into his yard. She would ask the Board's permission to contact Mr. Mangold in the Traffic Engineering Dept. to look at the situation. There is no curve sign or warning of a curve or anything. She would think a curve sign would do the job. Mr. Bethel said he will have it done.

Schlensker Rd./Problems: Commissioner Cox asked if Commissioner Willner received a letter from Mr. Niemeier concerning road problems on Schlensker Rd.? The letter was addressed to him. Commissioner Willner said he hasn't seen it yet. Mr. Lindenschmidt said he gave it to Mr. Easley. Continuing, Mrs. Cox said the letter simply asked to make the Board aware of problems on Schlensker Rd. The road needs to be fixed. The residents are upset about the condition of the ditch and the front yard and the drainage pipe that runs under Schlensker Rd. and the shoulders of the road. She asked if the problem is being referred to Messrs. Easley and Bethel?

Commissioner Willner queried Mr. Easley concerning the problem. Mr. Easley said there is a cross culvert. We looked at this a few months ago and he was under the impression that -- it has eroded a portion of the back side of the ditch and it is cutting into the woman's yard. The water turns and goes toward the west -- toward McCutchanville Rd. He was under the impression that the rip-rap had been placed. But maybe this project is one of those that fell through the cracks. It is a relatively minor problem, but it is probably important to the resident.

Commissioner Willner requested that Mr. Easley check on this tomorrow.

RE: COUNTY ENGINEER - ANDY EASLEY

Consultant Selection Procedure: Mr. Easley said he has retrieved a copy of the Consultant Selection Procedure. The specific number the Board is supposed to consider is not mentioned. It says "Commissioners will select". This was adopted in 1984 and signed by the three Commissioners and Attorney Jones.

Commissioner Willner read, "After review of all proposals received for each project, the Commissioners will select the future negotiation with the firm that meets all the qualifications and requirements, demonstrates competence and ability to perform the project and has a competitive proposal in relation to all others."

Commissioner Cox said, "So this means we look at all of them, right?"

Commissioner Willner said, "That's right. We look at all of them and then select three to have the personal interview -- or whatever number you want."

Mrs. Cox said, "That is not what that says."

Claim/Bernardin, Lochmueller & Assoc.: Commissioner Willner said he has a claim in the amount of \$11,661.25 to Bernardin Lochmueller & Assoc. on the Boonville-New Harmony Rd. extension. This is for field survey 100% complete; corridor design, 75% complete; roadway design, 21% complete; bridge design, 30% complete, less 5% retainage. It is the recommendation of the county Engineer that this claim be paid. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Traffic Signals/St. Joe & Allen's Lane: Mr. Easley presented copy of letter written to President Willner concerning the traffic signal installation cost estimate (that he has heretofore mentioned at St. Joe Avenue and Allen's Lane.) He would like permission to proceed with the installation of said signals. If the Board will recall, since St. Joe was constructed there have been a number of accidents there. He thinks the Sheriff's Department and the Traffic Department concur with the need for the signals.

Commissioner Cox asked Mr. Easley to explain the proposed signals in detail.

Mr. Easley said these would be stop lights (red, yellow and green). David Savage has recommended that because of the street, that we use what they call a 4-string pole installation with cables between a pole on each corner. This would be much better than having a signal in the center of the intersection. It requires two more string poles (no more traffic signal heads). The installation requires three additional cables. But on a major thoroughfare, it is a superior installation. The traffic department is making available two string poles that they had in their inventory. We would propose to purchase two poles. The city has traffic signal heads available and the rest of the items were taken from an estimate prepared by David Savage. They also have a controller which needs to be slightly modified and we will need a cabinet for the controller. We'd have to install the foundations for the string poles. We'd need an electrical contractor to install the wiring and erect everything other than the string poles. The four foundations required are listed as Item #9 on the estimate.

Commissioner Cox said she just read in the Airport Authority's minutes a couple of months ago where they had finally received approval for a stop light at the airport, after many many traffic studies, and that the charge for this was \$21,000 plus. She is not certain that a stop light is what we actually need at St. Joe Avenue and Allen's Lane. She knows that the 1984 Intersection Accident Report shows that Allen's Lane was right at the top when it came to number of accidents. Stop lights do not prevent accidents. This is well documented at Red Bank and Highway 62. They've had a number of fatalities there. Putting up one stop light may very well mean another request coming in for another stop light and another and another all along St. Joe Avenue. She doesn't think that this road was actually improved to be another little west side stop light city like we have on U.S. Highway 41. Before she could support actually putting a stop light there, she thinks we need to look at that intersection and see what is causing these accidents to happen. She would assume that it is speed that is causing these accidents. You're coming right off Diamond Avenue, which is a dual lane both sides, 55 mph speed limit and turning onto a 4-lane road which is either posted 30 mph or 35 mph. She was out there over the weekend and didn't see any signs. Traffic moves very, very rapidly down St. Joe Avenue now. There also is a blind spot (she parked at St. Joe and Allen's Lane looking east facing Allen's Lane). When you look toward the south, you see the trees from Mesker Park and the trees from Mt. Auburn Hill. At dusk it is very difficult to see a black car or dark colored car coming down St. Joe until they are almost right there on you. She would like to get some input on a flashing light. She thinks that a flashing light, maybe properly lighting the intersection and posting that and enforcing the speed along that stretch will answer our problem, as opposed to putting up a stop light. She has a lot of reservations about this.

In the minutes of December 19, 1985, the West Side Improvement Association (when we talked about moving the stop light from Mill Rd. to this intersection, which she strongly opposed) recommended that we have a flashing light as opposed to a regular traffic signal at that intersection. We do need to do something to help cut down on the number of accidents. She doesn't know how it stacks up. She doesn't know the traffic counts now. In the morning, quite a few cars utilize Allen's Lane. In the late evening, a lot of cars use Allen's Lane. She is asking that the Board take a look at this and see what is really needed. She personally does not like a stop light at that intersection. She would recommend a flashing light, better lighting at the intersection and enforcing of speed limit in the area. She thinks this would do more than installing a traffic signal to help correct the accident situation.

Mr. Easley said he doesn't recall discussing a flashing light with Mr. Savage. If he recalls,, the stop light met the criteria of the number of accidents and the growth and development along the industrial development corridor. But if Mrs. Cox so desires, some further study can be done on this.

Commissioner Willner said he has no objection. Mr. Easley can do a study. He would, however like to have an up-to-date accident report on that intersection (since the last one).

Commissioner Cox requested that Mr. Easley find out what time of day the accidents are happening. This is important.

Commissioner Borries said he knows that EUTS and David Savage looked at this carefully before. Certainly, we can do this again. He would say that the cost of a flashing light may be very similar to what the Board is seeing on the stop light. He doesn't think we will ever see any other intersections cutting through St. Joe Avenue between Allen's Lane and St. Joe. The growth does not indicate that it is going from various commercial subdivisions -- but it really is not going to branch off and there won't be any other connection roads between Allen's Lane

and Mill Rd. that would warrant any kind of light. We always look at this very carefully -- and it has been looked at carefully. This is such a high accident intersection that he is sure this is why EUTS and the Traffic Engineering Department have recommended that light. He thinks the number of accidents was something like 24, as compared to the next nearest of 6 or 8. It was triple any other intersection. We cannot minimize this. Mr. Easley interjected that it had the highest intersection accident count in the county. The light had been called for because there were so many accidents, just like a flashing light at U.S. 41 has not deterred the number of accidents that have taken place at that specific intersection. That is why the State is having to come back now and install a light. With the change in traffic patterns around the airport, he is not too sure but what they are a day late and a dollar short. Be that as it may after all the attempts with flashing lights on U.S. 41, certainly Highway 41 will carry a heavier volume of traffic than will St. Joe Avenue. But the Board can look at this. But there are certainly some very reasonable grounds for that selection that was not done just off the top of anyone's head. There were numerous studies done and, of course, residents complained long and loudly about the danger at that particular intersection. The traffic signal was requested by residents around that area. He would hope that if we put a flashing light there that it would work much more effectively than has the one at the Airport and U.S. 41. That one certainly hasn't stopped any serious accidents out there.

Commissioner Cox said she agrees with everything Commissioner Borries has said. The flashing red light on Allen's Lane and the flashing yellow light on St. Joe would indicate the fact that it is a dangerous intersection. As she said earlier stop lights do not prevent accidents from happening. An example is Red Bank Rd. and Highway 62; there have been fatalities at that intersection -- even more down at Rosenberger Rd. and Highway 62.

Commissioner Borries said the flashing light at the Airport and U.S. 41 proves the same thing. People often will roar through them and they will not be as cautious. One of the newspapers has pointed out that there seems to be an overall increase in speeding around the city.

Commissioner Cox said we need to notify the Sheriff to crack down on the speeders. Putting a stop light there is going to create a lot of problems in moving the traffic on out St. Joe off Diamond Avenue. You only have a long three (3) block area between Diamond Avenue and that stop light; and traffic will back up like crazy coming off Diamond Avenue. She doesn't think a stop light is the answer.

Mr. Easley said a traffic light controls traffic; it would allow the traffic to come out of Allen's Lane and make their left or right turns. People get impatient and they want to get on with their business. As pointed out by Mrs. Cox. the traffic is moving rather well on St. Joe and people misjudge how it is moving and they get clobbered.

In response to comment by Mrs. Cox, Mr. Easley said that ordinarily you place stop lights one quarter mile apart if you expect to move traffic.

Commissioner Willner asked that Mr. Easley request the Sheriff to do a study of the speed in that area and an updating of accident report; also ask the Traffic Department to come up with another standard on that intersection. Then the Board can reconsider the matter.

Easements & Right-of-Way Agreements re Darmstadt Sanitary Sewer System: Mr. Easley said the county apparently owns a 15 ft. wide strip of property on Old State Rd. that is outside the right-of-way and the Darmstadt Sewer System needs to place a small diameter 6 inch PVC pressure line within this 15 ft. strip

of ground. Thus they need an easement over the 15 ft. wide strip of property for the benefit of Darmstadt. In response to query from Commissioner Willner, Mr. Easley said this is just north of Wortman Rd. Mrs. Cox asked if Mr. Easley's firm drew this up? He responded in the affirmative saying that Easley Engineering is designing the Darmstadt Sewer System. If Mrs. Cox would like to have that reviewed by someone else -- he can assure her is giving proper advice concerning the manner. Mrs. Cox said she has no problem with granting the easement. Following brief discussion, motion was made by Commissioner Cox that the easements be approved, with a second from Commissioner Borries. So ordered.

The Chair entertained further questions of Mr. Easley.

Setback Ordinance on Green River Rd. & Burkhardt Rd.:

Commissioner Cox asked that Mr. Easley remain at the podium. She said that several weeks ago she asked for a setback ordinance on Green River Rd. and Burkhardt Rd. (north of Morgan Avenue). Has he ever found out what that was? Mr. Easley said he has not completed all that he needs to do on that.

Green River Road Sewage Problem: Commissioner Cox then queried Mr. Easley concerning the sewage problems out on Green River Rd. He said he is not yet ready to report on that. He does know that there are apparently some problems. While he has had some explanations, he has not had a thorough explanation of what caused the problems and until such time as he has a thorough understanding as to what caused the problems, he would defer comment. He would prefer to make joint comments with the Evansville City Water Sewer Utility. They have had some things happen out there that have led some people to believe that they have problems out there more serious than thus far admitted.

With regard to thoroughfare setback on Green River Rd., a year ago we voted to relax it at the southerly end and he thought we took a rather realistic appraisal of what we ended up with at that time.

Log Jam/Pigeon Creek: Commissioner Willner queried Mr. Easley concerning progress of removal of log jam in Pigeon Creek. Mr. Easley responded that the contractor has completed removal of the logs from the channel and they are piled on the west bank of Pigeon Creek. He believes they will begin removal of the logs on Monday by way of cutting them up and disposing of same. The contractor did a nice job on this.

RE: OLD BUSINESS

The Chair entertained items of Old Business to come before the Board.

Conflict of Interest: Commissioner Cox said she has an item and she is referring to her being quoted in an article in the Evansville Courier on September 11, 1986 referring to her questioning the County Engineer's possible conflict of interest. In that article, Commissioner Willner stated that he offered to have the City Engineer review the plans, but Commissioner Cox said it wasn't necessary -- and that shows that it was political.

Continuing, Mrs. Cox said: "Bob, if you choose to quote me, then quote me right. And I refer you to the minutes of April 28 1986, Page 13, when this whole thing first surfaced. I said, "There is just one thing that bothers me about this, these plans were done by Mr. Easley's engineering firm." Mr. Easley said, "That is correct." I then said, "Then you're going to have to approve them." And she said, "She is hoping he is now a full time employee of Vanderburgh County and he would no longer be submitting private development plans." I didn't know whether there was a conflict of interest or not. At that time you offered to have Dan Hartman or Dick Eiffler to look at the cross-section (and there is a little dot behind that area -- when I said that wasn't their job). Then we go on back to Page 20

after the County Attorney looked up the conflict of interest in the statute and when Mr. Easley asked if I would prefer to have a letter from the consultant of her choice to say that they have reviewed this design, then when I said, "No Andy, I don't. I would rather have another engineering firm submit this plan and you, as County Engineer, approve it. I know you have addressed the situation as being political, but I really don't know. Rick (Borries) wasn't at that meeting. You and I were at that meeting by ourselves and I'm not sure but that we're looking at the situation here as I see it. Number one, we have Andy Easley's private engineering firm. We have Andy Easley as our County Engineer. We have a Subdivision Review Committee in Vanderburgh County that reviews all subdivisions inside and outside the county. It is composed of technical people; one of those people is the County Engineer, by virtue of that duty -- to review and give input and to protect the best interest of the county. And Andy Easley, as county engineer, serves on that committee. Back over here, Andy Easley's private engineering firm submits subdivision plans to be reviewed by that Andy Easley. It doesn't stop there,, because in those subdivisions we have street plans that are designed by Andy Easley Engineering, that come to Andy Easley, County Engineer, for approval and recommendations to the Board for approval of design. We also have Andy Easley, County Engineer, setting a Performance Bond on those projects done by Andy Easley Engineering. Last week we had three acceptance recommendations by the County Engineer; streets which have been inspected by the County Engineer, that has been designed by the County Engineer's private engineering firm. I spoke out on this in April when it first came up. The County Attorney read the State Statutes and said he really did not see it as a conflict of interest. If you go back and read the minutes of April 28th in their entirety, I don't think it is a clear picture of actually what happened. On April 28, 1986, University Heights street plans were accepted (LeMay Drive) and, along with you, I voted to accept those plans, simply because I didn't want to hold the developer up. I took the Attorney's word. On Page 20 of minutes of 4/28/86, Harmony Woods Lane, Section "A" were approved. Both of those subdivisions were subdivisions that were plotted and submitted by the Andy Easley Engineering firm. Then we jump to minutes of June 16, 1986, where we have Oak Ridge Subdivision, Harmony Woods, Section B, Chapel Hill Section B and Green River Estates Section C-1. I did not support those motions for approval. In June 23rd minutes (and this is what really has bothered her the greatest) it concerns LeMay Drive. (PP. 3-4) -- this is acceptance of road that I gave design approval with you, Mr. Willner, on April 28th -- and it is asking that the street be accepted. When Mr. Easley said, "Mr. Bethel inspected this last week" and I said last week would have been June 17th. I knew it was built and the barricades were down May 23rd, because I drive out there. I didn't know if we were doing it -- and I had to look. He then said it was inspected. Well, how do you inspect a road after it is laid down? You have to core it and you have to measure to see what is there. I asked if this were done and it was not done. Mr. Easley said the asphalt was measured during the construction and I asked by whom. That is when one of the bridge inspectors swung by to check it. Now, on inspection, Andy Easley is responsible for being there while the surface is being laid and inspecting it on sight. Needless to say, a bridge inspector was used. I did not vote to accept that.

In July 14th minutes, on road engineering estimates on Page 7, on the sewers and the road, that estimate was submitted on Andy Easley Engineering firm sheets. Again on August 27th, we had a request for rezoning (Spurling development of 44 acres) with no site plan at all to submit to us. I asked who the engineer was and the minutes of August 18th indicate it was Mr. Easley. You are saying to me that I am political. I am saying to you, "Please look at this situation and I think it undoubtedly represents a conflict of interest. With the recent problems of close insiders in City Administration, we've seen how very important it is to keep a clear separation between public service and personal business affairs. I think we may very well be

intimidating clients of competing firms to use Andy's private engineering firm and we may even be promoting his business by our actions, and I feel it behooves us to be above reproach; and I'm submitting a request for your consideration that Andy Easley be instructed to immediately remove himself from this situation."

Commissioner Borries said, "I appreciate your comments, Shirley, and certainly we want to be above reproach. Do you know of any instance where anyone has been approached by Andy Easley, that he has intimidated? Is there any individual that Andy has intimidated and said, 'You must use my firm and I will say to you that I will use my influence to get you whatever your request would be?'

Commissioner Cox said, "I have had one report of an engineering firm being removed from services and the individual hiring Andy Easley's firm, yes, and this bothers me.

Commissioner Borries asked, "And this was something that was brought before this Commission?"

Mrs. Cox said, "No."

Mr. Borries asked "This is something that you know happened because Andy Easley is County Engineer?"

Commissioner Cox said, "This is something that concerns me because Andy Easley is County Engineer."

Commissioner Borries said, "This individual that this report came from, you're saying that Andy Easley had used his influence in some way to....?"

Mrs. Cox responded, "I am not saying that at all. I have knowledge that the one individual was removed and this other engineering firm was hired simply so the plans could get through. How do we know that there isn't intimidation out there? I think that is the question. How do we know that there isn't, Rick?"

Commissioner Borries said, "As elected officials, we would hear it. As elected officials, I would certainly think we would need to call upon the public for any person who has been intimidated to come forward and say so. The President is saying these days that the kids should say 'no' to drugs and those sorts of things. That is the same thing; we would need to call upon any sincere citizen to say that if they had been intimidated that they should step forward and say so. That is how we would know."

Commissioner Cox said "This isn't the major charge here."

Commissioner Borries said "I clearly understand what you are saying. I am not going to say whether or not it is political. The campaign is on and there is always room for debate and that is what political campaigns are for. But if we want to use the word 'may' and say that in any way I want to affect Andy Easley's reputation here as a professional, that bothers me, because I have not found Andy Easley to act unethical in my dealings with him. If someone came to you or to me and said that Andy Easley is unethical, then I think we would have to take immediate steps. There are, I think, forty counties out of ninety-two in this State that have County Engineers. So I understand your concerns here and we will certainly want to consider those and Mr. Easley might want to say something. That is my question here -- if we're going to talk about 'mays' and 'concerns'; I wanted to see if there were any specifics that have been brought to you, because I think it is important."

Commissioner Cox replied, "You know, when you look at the ramifications on this, just like serving on the Subdivision Review Committee, if Andy removes himself from reviewing plans that have been submitted by his private engineering firm, then the

county loses its voice on those plans -- or, input on those plans. True, other people look at them -- Soil & Water Conservation Service, Traffic, etc., and the whole aspect.

Commissioner Borries said, "That is true, other people are looking at them."

Mrs. Cox said, "I said a committee made up of technical people, on which Andy serves. So if he has to remove himself from those plans (and I don't know that he does; Andy may want to respond to that). Nonetheless, the county then loses its representation on the Subdivision Review Committee for input."

The Chair recognized Mr. Easley. He said he really regrets that this matter has to come up in this manner. Whenever she reads some of these things, he thinks Mrs. Cox is overlooking some of the details of how his job functions. The review process of the subdivisions (Dick Eiffler, Soil Conservation Service) -- they look at it jointly. By the time the plans come before the Subdivision Review Committee -- and occasionally there is a plat brought in on a minor subdivision that he has never seen before -- and Katherine who works at the APC,, will tell Mrs. Cox that he insist wherever possible that the county get 609 ft. right-of-way off a minor subdivision. She tells the engineer that that is what we want. Occasionally she has to point out that one which came in from Easley Engineering needs another 5 ft. of right-of-way. It may be very difficult for some people to understand this; yes, there may be an opportunity for a conflict of interest. He has been around this county for 20 years and anyone who knows his standard of engineering, he doesn't change it for anyone. And he has told some clients that he didn't think they wanted to pay for the quality of improvements and he didn't want to put his name on said improvements -- and the Board will have to take his word for that. He would like to say -- so any suspicion of double standard can be removed (he doesn't want any suspicion that there is a double standard) and that is what Mrs. Cox is questioning. He will see if he can establish a procedure that will assure Mrs. Cox that there is no double standard. He will have to take a few days to do this and present it to Mrs. Cox. If necessary and he can't satisfy her that there is no double standard, he may have to go out of the subdivision business. He thinks that if he would have to pay another engineer of her choice out of his own pocket to review and make recommendations to her (just as Mr. Eiffler did on a couple of subdivisions -- and those plans conformed to county standards; and he offered to do that as an inter-governmental cooperation measure). He and Bill Bethel go out and look (just as they did last Thursday at Bud Bussing's streets where the Old State Country Club used to be) and they walk and see that every joint is sealed. Lee Stuckey helps him check the concrete pour if he is in some meeting and cannot get out there on a specific morning. He makes every effort to check base thicknesses; they check the crushed stone base every 100 feet and when the asphalt goes down, it is observed to make sure that it is the right thickness. If he has signed off on the base thickness or thickness of asphalt (and they check thickness of concrete forms when they pour the concrete) -- if they are challenging what the thickness is, he would like to see it cored. But his reputation is riding on these, particularly one he designed. And he told anyone inspecting it -- particularly Lee Stuckey -- for God's sake, make sure it is the right thickness, because if Shirley Cox finds out my tail is in a wringer if it isn't -- and it is true that I said that, so help me, God. He doesn't want anything to go on out there that isn't according to county standards. But he will have to take some measures to protect his reputation and satisfy Mrs. Cox that there are no double standards. He wants to remove that doubt. If circumstances were otherwise he might be tempted to hand in his resignation because of having his reputation challenged. Perhaps privately he will discuss with her why he isn't doing that at this time.

Mrs. Cox said: "My point here is -- I have never -- in the minutes or publicly -- questioned your ability or questioned your integrity. The thing we have here, Andy, that you fail to see or fail to see any wrong in it -- and this is where I am coming from -- is a separation between public service (which we are and you are) and personal business affairs, which you are."

Mr. Easley said, "I do understand what you are saying, Shirley; I am not that naive."

Mrs. Cox asked "It doesn't bother you at all?"

Mr. Easley responded, "As long as I don't do anything wrong, as strange as it may seem -- what did we say,, five subdivisions in three years -- "

Mrs. Cox interjected, "There may be more. The only way I can pick them up is when they happen to have an engineering seal on them and from April 28th and a lot of them don't have an engineering firm on them. I didn't try to document any others."

Mr. Easley said "There are not that many."

Mrs. Cox said "Even one is too many, Andy, and that is where I am coming from; a separation of personal business and public service -- and we have one individual here: Andy Easley Engineering firm and Andy Easley, County Engineer."

Mr. Easley said, "For all practical purposes, I am out of my engineering firm insofar as the management of it."

Mrs. Cox asked, "Do you still own it?"

Mr. Easley said "I still have a financial interest in it but it is not a very big one."

Mrs. Cox asked, "You are still a stockholder then and it is still your firm?"

Mr. Easley said, "It is still my firm."

Commissioner Willner said, "Andy, put together what you have and bring it before us."

The Chair recognized Councilman Bill Taylor, who indicated he wished to speak.

Mr. Taylor said "I've got a problem with and want to address that. Shirley, I'm an insurance man and you're a registered nurse. If Bob Willner's mother, brother, sister were sick and prior to that sickness they needed an insurance policy..."

Mrs. Cox asked that Mr. Taylor approach the microphone so his comments could be recorded.

Continuing, Mr. Taylor said: "...prior to that sickness they need an insurance policy. Either I could write it or Don Cox could. Probably I would, because I am a democrat. If they needed a private nurse, which you do operate in that capacity or can if you want to, then nine times out of ten between a republican or democrat, that would decide whether it would be you or a democrat. I think that, at any time, to question a man's integrity when he has a license (we have a license that we worked damn hard to get; not something that any individual can walk up and get; it is something that we studied for and took a test for and if we don't do the job that is required of us because we have that license, then it is taken away from us. This man -- for \$27,000 a year -- is not going to jeopardize a license that is going to make him millions. I think that is a very cheap shot. I think it is a very cheap shot for me to make, for you to make, or any individual that is a professional. I am not saying that to jump on your case or to take up for Andy. This comes from the

standpoint that we have so many people in our professions that do all kinds of things to belittle the profession that if we have people who are conscientious and deal with it we shouldn't be out battering them, we should be patting them on the back. There are articles in the newspaper about nurses who misuse their patients; there are articles about insurance people who misuse the elderly with Medicare Supplements and other programs -- (that I, personally, also write). There are articles about engineers who will put something out before a person and say we can get this done and shoot it through there. Then, first thing you know the house falls into the ground. I really have a problem with that, because I've had problems with the fact that Andy is overloaded, that he tries and this happens or doesn't happen. I'm not up here blowing Andy's horn. I am coming from the point of a professional individual. And I don't think that you or any other individual in Vanderburgh County can question Andy Easley. I've dealt with him both as a Councilman and as a private developer dealing through my brother's construction company and that is all I can say about that."

Mrs. Cox said "Please let me respond to that. I still carry a current license for nursing. If Mr. Willner or any of you needed a nurse and you wanted to hire me, it would not have to come before the County Commissioners for approval. I would not be doing this for the county. Are you selling insurance to any county employees through the county payroll deduction?"

Mr. Taylor said "Yes I am, that's right -- under the Grandfather clause, because I was there before it started, just like you were."

Mrs. Cox asked, "Before what started?"

Mr. Taylor said, "It had to be a republican -- you all control upstate. You say, you can't write business because you're into a conflict of interest. But conflict of interest came about because the democrats won too many offices and the republicans got upset because they were losing out. Now that's true and you know it is."

Mrs. Cox said "I don't know that it is. I've been on this Commission since 1981..."

Mr. Taylor said, "Yes, but you've been in county government so far back that none of us can remember. I'm doing the same thing to you that you did to Andy. You deal differently with political things than you do with the fact of professionalism. We are professionals in our particular professions."

Mrs. Cox said, "Then a professional person should have the ethical ability about them to refuse. If they are holding a county position, they should refuse to do business with the county or any government entity."

Mr. Taylor interjected, "That's because the republicans decided it was a conflict of interest. You sat there when they gave Don Stucki the land deal. You were there when they gave Don Cox all the business in the city and the county.."

Mrs. Cox said, "And the people didn't appreciate it. And the people didn't appreciate...."

Mr. Taylor interjected, "Did they lose the election?"

Mrs. Cox continued, "....Larry Aiken and the people didn't appreciate Chris Weaver and the people don't appreciate Andy Easley having a dual role -- I am telling you what is there."

Mr. Taylor, "Take the fact that the man is a professional and he is above reproach as far as his professional ability is. Let them bring that to the Commissioners -- not this bull ---- about political things."

Mrs. Cox, "I didn't say it was political."

Commissioner Willner interrupted, "I'm going to bring an end to the battering; I think all points have been made. Let's continue with the agenda. Thank you for your participation Bill."

Request for Computer for County Garage: In response to query from Commissioner Cox Mr. Taylor indicated he did have another matter to bring to the Board. President Willner asked him to proceed. He said he was here with regard to computer for the County Garage, on which the Council and Commissioners both agreed. This concerns setting up a computer system that would put the County Garage at the point of push button review. Conversations prior to and during budget sessions included a computer that would be loaded with all the data related to the County Garage. The Road Study asked for that. The Road Study was brought to the County Council as well as the County Commissioners. What we thought was going to happen is that that particular computer would be loaded with the information that all of us, as elected officials, could pull up at any time to see where all the gas went, where the parts went, what trucks were available, what trucks were disabled and why they were disabled, and what was necessary to update. This information is probably available if you go and thumb through the work orders, etc., but our understanding was to have this computer and load it with the adjustments of any road work, any additional appropriations insofar as a tire here and tire there. It is actually the same thing that the city has in their Works Department -- and that is a maintenance inventory; an inventory of everything point blank. He also has a proposal from Pulse which represents \$7,000 available but that would be needed to get this computer that we would load all the information into. It was approved by the majority of the Council; the account that we were going to take it out of didn't work out because of the State Board of Accounts. But it was decided to take the money out of the contract that we have with the computer company and it will be just an add-on and they will take those monies from that. What this would do is give all of us the availability of any information that we need out at the County Garage at any time, once this program is in place. What he would like to have from the Commissioners is approval to order this equipment, get it in, get it set up and then work to load it. They discussed buying the computer outright but because of our contract with Pulse it is necessary that we go through them, with which we have no problem. We just want it done and we want it on line. It would be on line by our budget session and would be a help to us all. Not that we distrust anyone in the highway department or anything like that. It's just the idea that it is a lot easier to make a decision when you know where everything is going. Basically what this design shows is a basic start-up then add-ons, which are very necessary. The computer will be set up at the County Garage, so there won't be any problems there. You will run into problems, however, because you will run into people who will want to run the computer or feel like someone is getting paid more than they are or whatever. But setting the computer up will be totally independent of the County Garage. But the information that will be available to us will be invaluable.

Mrs. Cox asked, "This proposal for \$7,100.00, that is for the actual piece of equipment itself? How much will Pulse charge us for loading all of this multitude of information that needs to be put in there?"

Mr. Taylor said the loading of information will be done on a consultant basis and the consultant would basically charge us \$40.00 per hour.

Mrs. Cox asked, "How many hours are we talking about here?"

Mr. Taylor said he really doesn't know. That is something that the Board would have to watch and weigh. The Council would also be watching, because they are not going to expend a lot of money for nothing. He would say that within three (3) months of that computer being in operation that you could pretty well see what you are paying and how much and deal with that situation, because we're going to have to have a person that is a computer programmer; a person that is an articulate person to put the information into the computer. After that period of time you could see how much they are loading and where they are in reference to loading and how to deal with that. After it is loaded there would be no problem at all, because the people who are there (especially the one lady who is there) could watch what they're doing, maybe take classes or something and she could do it after we got it loaded. She would do all the updating and that type of thing.

Mrs. Cox said "Wait a minute; maybe we're talking about two different things here. When you said \$40.00 per hour, this is for the development of the program?"

Mr. Taylor said, "No, the program would run around \$3,000.00."

Mrs. Cox asked, "So the program is an additional cost?"

Mr. Taylor verified that this is correct.

Mrs. Cox said "And it is \$40.00 per hour for just typing in the information?"

Mr. Taylor said, "That's right, for typing in the information and then the computer program consultant would be around \$3,000. The \$3,000 would perhaps cover five (5) different programs; because one would deal with inventory; one would deal with the roads; paving; one would be dealing with what needs to be paved; one would deal with maintenance. A number of programs would be involved, but there would not be an immediate \$3,000 charge. He is just saying that collectively it would probably run \$3,000 for the program. But the end result would be that all these other things that we need to know when we need to know them would be there. If you would go to the computer room right now and ask for a printout on the County Garage, you'd get something about 2-3 inches thick. When you try to read it, it is hard to digest."

Commissioner Cox asked, "Do we still have the Data Processing Review Committee or Board? Maybe we should refer this proposal to them for review as we have the other requests that have come up (the Sheriff, for instance, had a request)."

Mr. Taylor said, "The understanding given to the Council was that we were going to go along with computer for the County Garage. If the Commissioners feel like they need to delay it, there is nothing they can say about that -- just delay it. But the thing is, we need that computer. It was part of the Road Study (which was explained to everyone at one time or the other) and there have been a number of conversations since then. It is up to the Board; either they want to go along with it or they don't. They did at one time. It has been endorsed by the entire Council (maybe one member isn't particularly concerned about any kind of computer at all). It is something that tomorrow we can all look back and push a button and have the information available. Right now we don't have that capability."

Commissioner Borries said, "Bill, I would say that we do need this but I want to look at what kind of software we'd need. I agree that we'd have to look at Pulse Systems to provide some of the hardware for the contract we have -- we may have to bid this out as we have for other consultants and I'd like to look at that. Tell me, Andy you don't have anything to do with computers, do you?"

Commissioner Cox interjected, "Maybe you'd better ask Mr. Taylor if he does?"

Mr. Taylor remarked, "Rick, you went through this just like all the rest of us have. This is not a bid item period and you know that, because of the contract that we have with Pulse."

Commissioner Borries said "I know that with regard to purchasing, all off premise computers or hardware -- I think we're talking about two different things. I'm talking about the itemization we have here in terms of hardware -- that's one thing. I'm saying that in terms of the services provided, we go through request for proposals just as we have on the services for road projects, and that is what our procedures have been."

Mrs. Cox said "Rick, you asked Andy if he sold computers. I'm asking Bill Taylor if he does?"

Mr. Taylor said, "No, I don't; but I've done a lot of study on this and so have the other Commissioners -- and I know they are very familiar with this. If that is their attitude that we send it somewhere else, we will. But remember, when it came before the Council you were in favor of it. Now you're doing another dance. And that could be misconstrued as the kind of Commissioners who will say one thing one time and back off when it is in their face. The computer system was dealt with in a number of ways. One was with a private vendor, which the President of the Commission wanted to go with. But we went with the contractor we presently deal with. That tells me that you've got something to hide out at the County Garage. If that is the case, not only do you have to address that to the Council, but you have to address it to the public -- because I'm going to bring it before them."

RE: SCHEDULED MEETINGS

The meeting proceeded with Commissioner Willner asking for information on scheduled meetings.

Commissioner Cox said she believes the Board needs an update as to when the Board is going to look at the proposals received on Lynch Rd. Extension project and select some consultants. If we're dealing with a deadline of September 29th, a date should be set for reviewing the proposals.

President Willner asked that the Commissioners check their schedules to see if 3:00 p.m. tomorrow would be satisfactory. Commissioners Borries and Cox indicated agreement with that time schedule. Mrs. Cox noted that she has an Annual Meeting of the Southwestern Mental Health Association at 7:30 p.m. tomorrow night. (Commissioner Borries attends the monthly meetings and she goes to the Annual Meetings, as a Corporate Member). Commissioner Willner said he has a 5:00 p.m. meeting scheduled.

RE: CLAIMS

The meeting continued with President Willner reading letter to County Auditor Alice McBride from Mike Robling of the DMD, as follows:

"Attached is a check from the Indiana Department of Commerce in the amount of \$1,025.00. It should be deposited into the Zayre grant fund. Also attached is a claim for Princeton Farms in the amount of \$1,352.59 for crop damage resulting from the construction of the Zayre Storm Sewer project.

My records indicate that the Zayre project has cash balance of \$487.01 before receipt of the enclosed check. After depositing the state check and paying Princeton Farms, the balance should be \$159.42. I will be submitting a claim for reimbursement of administrative expenses in the near future that should close out that balance." Motion to approve claim to Princeton Farms for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Bowers, Harrison, Kent & Miller: A claim presented in the amount of \$691.69 for condemnation and foreclosure proceedings in connection with several cases. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Frick & Powell: Claim presented in the amount of \$1,045.84 for litigation services for numerous cases. Motion to approve claim made by Commissioner Borries with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Circuit Court (Appointments)

Dennis W. Howard	P.T.B.B.	\$5.00/Hr.	9/8/86
Robt. L. Saunders, Jr.	P.T.B.B.	\$5.00/Hr.	9/8/86
Rachael Maasberg	Bookkeeper	\$5.00/Hr.	9/8/86
Kelli Ulrich	P.T. Intern	\$3.35/Hr.	9/2/86

Circuit Court (Releases)

Christopher Carl	Law Clerk	\$360/Pay	8/22/86
Dennis Howard	P.T.B.B.	\$4.50/Hr.	9/5/86
Robt. L. Saunders, Jr.	P.T.B.B.	\$4.50/Hr.	9/5/86
Rachael Maasberg	Bookkeeper	\$5.00/Hr.	9/5/86
Jeffrey T. Shoulders	P.T. Intern	\$5.00/Hr.	8/22/86

Prosecutor (Releases)

Cynthia Hansen	Dep. Pros.	\$21,040/Yr.	9/11/86
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Sheriff's Department (Releases))

Richard E. Reed	Patrolman	\$19,283/Yr.	9/15/86
Dale A. Thene	Civ. Jailer	\$14,348/Yr.	9/15/86

Sheriff's Department (Appointments)

Dale A. Thene	Patrolman	\$18,283/Yr.	9/16/86
Kenneth Roy, Jr.	Civ. Jailer	\$14,348/Yr.	9/16/86

Burdette Park (Appointments)

Tad Powless	Ext. Guard	\$3.35/Hr.	8/10/86
Ken Veilands	Ext. Guard	\$3.35/Hr.	8/12/86
Shawna Swenning	Ext. Guard	\$3.35/Hr.	8/21/86
Laura Conrey	Reg. Guard	\$3.60/Hr.	8/17/86
Paula Gray	Rink Cashier	\$4.50/Hr.	8/27/86

Burdette Park (Releases)

Tracy VanZant	Ext. Guard	\$3.35/Hr.	7/17/86
Shawn Stanley	Reg. Guard	\$3.60/Hr.	8/18/86
Cutee Gostley	Ext. Guard	\$3.35/Hr.	6/10/86
Gina Wilmes	Ext. Guard	\$3.35/Hr.	8/26/86
Paul Head	Ext. Guard	\$3.35/Hr.	7/28/86
Theresa Floyd	Ext. Guard	\$3.35/Hr.	8/25/86
Roger Willis	Reg. Slide	\$3.50/Hr.	8/22/86
Denise Strange	Reg. Slide	\$3.50/Hr.	9/14/86
Beth Minton	Ext. Guard	\$3.35/Hr.	8/5/86
Lisa Caton	Ext. Guard	\$3.35/Hr.	8/21/86
Eric Effinger	Ext. Guard	\$3.35/Hr.	8/25/86
Karla Hormuth	Ext. Guard	\$3.35/Hr.	8/14/86
Kim Hankins	Ext. Guard	\$3.35/Hr.	8/20/86
Alicia Minton	Ext. Guard	\$3.35/Hr.	9/1/86
Jill McNaughton	Ext. Guard	\$3.35/Hr.	8/25/86
Dona Barton	Rink Cashier	\$3.60/Hr.	8/24/86
Michael Gerard	Pool COMGR.	\$40.00/DAY	8/23/86
Brian Dooley	Ext. Guard	\$3.35/Hr.	8/19/86
Paula Gray	Rink Cashier	\$4.00/Hr.	8/27/86

Lori Wagner	Ext. Guard	\$3.35/Hr.	8/21/86
Jennifer Toone	Reg. Guard	\$3.60/Hr.	8/17/86
Jonathon Gugin	Ground Crew	\$4.00/Hr.	8/25/86
Jodi Schisler	Ext. Guard	\$3.35/Hr.	8/17/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 10:33 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. L. Willner	Sam Humphrey	David L. Jones
R. J. Borries	(Chief Deputy)	
S. J. Cox		

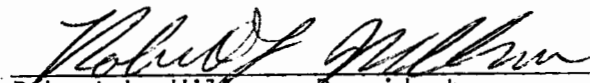
COUNTY ENGINEER COUNTY HIGHWAY AREA PLAN

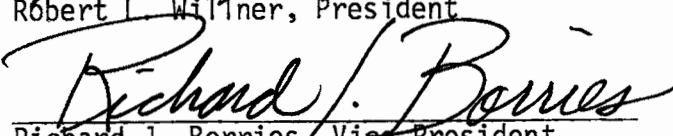
Andy Easley	Bill Bethel	Bev Behme
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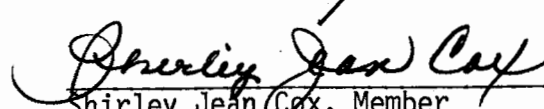
OTHER

Jack Rogers
Jagoe Homes Representatives
Steve Martin
James Morley
Chuck Clark/Evansville Courier
Other News Media Personnel

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 22, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday September 22, 1986, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Commissioner Cox noted two corrections to be included. On Page 13, with regard to request for Auditorium to appear on Council Call, she made motion for approval, with a second from Commissioner Borries. On Page 18, she had asked Mr. Easley, County Engineer, to provide setback requirement information on Green River Rd. and Burkhardt Rd. (the latter north of Morgan Avenue).

Motion was made by Commissioner Borries that the minutes of meeting held September 15, 1986, be approved with the corrections noted, with a second from Commissioner Cox. So ordered.

RE: SHERIFF RE TRAFFIC SURVEY - ALLEN'S LANE

In response to request from Commissioners, Sheriff Shepard said his department conducted a traffic survey on St. Joe Avenue and Allen's Lane. The area was checked three times per shift over a three day time period. The times the officer checked by radar varied from 8:30 a.m. to around 10:00 p.m. The total number of vehicles clocked was around 643, with the average speed of these cars being 39.72 mph. Officers clocked 160 vehicles exceeding the posted 45 mph speed limit, with their average speed being 49.13 mph.

With regard to number of accidents at intersection, there were five (5) between March 1 and May 31, 1986, involving ten (10) vehicles.

Insofar as a traffic count, Sheriff Shepard advised that they are going to put a tape out there and obtain a traffic volume count. He will report on this next week.

Commissioner Cox queried the Sheriff re the time of day the accidents at the intersection occurred. He said he will get back to the Board with this information, including the day of the week on which the accidents occurred..

RE: COMPUTER AID DISPATCH/COMMUNICATIONS CONSULTING SERVICE

Sheriff Shepard presented copies of agreement between the City of Evansville (by and through its Board of Public Safety) and Vanderburgh County (by and through its Board of County Commissioners) and R. James Evans & Associates, Communications Consultants of East Lansing, Michigan. Consultants to advise City/County on upgrading Computer Aid Dispatch System, etc. The total contract amount is not to exceed \$15,359.00, with the County paying one-third (1/3) of the total price and the City paying the remaining two-thirds (2/3). Consultant will submit a billing at the completion of the project. Sheriff Shepard said this is a specialized field and not too many companies do this, insofar as the implementation of putting the specs together. It is a rather specialized field of communications and that is why we selected Evans & Associates. He came down at his own expense (as did others) and gave a verbal three to four hour presentation to the Chief of Police, the Sheriff, the Technicians, Fire Chief, Volunteer Fire Departments. Everyone was well pleased with the

presentation. With regard to the technical questions thrown at him by the Sheriff's technical personnel, he fielded those very well. He was recommended by the Indiana State Police. Everyone is well satisfied that this firm can do the job.

The Chair entertained a motion. Motion to sign agreement was made by Commissioner Borries with a second from Commissioner Cox. So ordered.

RE: DIVISION OF POWERS BETWEEN COUNCIL & COMMISSIONERS -
HAROLD ELLIOTT, PRESIDENT/COUNTY COUNCIL

Mr. Harold Elliott, County Council President, requested to address the Commissioners and was recognized by the Chair.

Mr. Elliott said he would like to convert the Commissioners to his way of thinking on something he has been mulling over for approximately a year. This has to do with the division of powers between the Council and the Commissioners. On a Federal level, we have the President, as the Executive and the two houses of Congress. At the State level we have the Governor as the Executive and the House and the Senate. When we get to the Municipal level, we have the Mayor as the Executive and the City Council as the legislative body. When you come to the County level, in the State of Indiana, all but three (3) of the counties have the Commission as the Executive Body and the Legislative Body. He thinks this leaves something to be desired in the system of checks and balances. He attended the annual meeting of the Indiana Association of Counties last year and at that meeting they passed a resolution that says they recognized the need in County government for County Councils as the Legislative Fiscal Body to provide the check and balance linked with County Commissioners as the Executive branch of government. Apparently they weren't aware that the enabling legislation was already on the books. In checking, he found that Indiana Code Title 36, Article 2, Chapter 3.5 which addresses this problem. It says that this chapter applies to counties having two or more second class cities and any other county not having a consolidated city if both the County Executive and County Fiscal Bodies adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date. That is the only requirement to make the County Council the Legislative Body. He is not asking for an answer today. He'd like for the Commission to study this. Just for the record, St. Joe and Lake counties do have this. Marion County of course, is consolidated. Nonetheless, he would like for the Commissioners to study this and give it some thought and maybe the Council and Commission could have a joint meeting in early October and hash it out and see how the Commissioners feel about it. He believes that there is too much power in the one body when you administer the government and also pass all the ordinances. He will be glad to answer any questions.

The Chair entertained questions.

Mr. Elliott pointed out that the Commissioners do have a veto power under this law (36-2-4-8). The veto may be exercised by a majority of the Executive Body. If no action is taken in ten (10) days, the ordinance automatically becomes law and the Council has sixty (60) days to override the veto with a two-thirds (2/3) vote.

Commissioner Cox said that for clarification, the application of the chapter, under Section 1, it says that each county having two or more second class cities. The next application of this would be any other county not having a consolidated city. Mr. Elliott pointed out that Marion County is the only consolidated city. This law was passed in 1980 and amended in 1981. Again, Mr. Elliott said he would like to have the Commissioners' thinking on it.

Commissioner Willner said he has no rather one way or the other. He didn't know it was on the books. He and Mr. Elliott have discussed the matter before. However, he thinks it should be studied and that we need input from a lot of different people and to come to a conclusion -- all in good time. Just thinking about it and studying it will be a step in the right direction and he certainly would agree to do that. He would ask the County Attorneys for their input at the right time; the auditor, and anyone else concerned with county government. If the Commissioners so direct, he would be glad to send out letters to the rest of the county government asking for their input. He then asked Commissioner Borries for his comments.

Commissioner Borries said he would reserve comment at this time, until he has had an opportunity to study the matter.

Commissioner Cox asked if Mr. Elliott is aware of any counties other than Marion County ?

Mr. Elliott said that just Marion, Lake and St. Joe counties are the only counties that have adopted this.

Mrs. Cox said that what this chapter proposes is that the Legislative function now under the Commissioners would be transferred to the County Council? So, in addition to the fiscal responsibilities, Council would also have legislative responsibilities, which would mean an increase in the amount of time and energy each council member would be spending on their job. What happens when Council gets into any legislation that would have to do with charges or fees per se (and she can't cite a specific example at the moment)? The Council, as a fiscal body, would also have to review those fees? She can see some problems there. Would this mean any increase in the amount of salary that council members receive?

Mr. Elliott said he would imagine that the Council members would ask for an increase when this came about. He personally doesn't care. As far as he is concerned, the salary is immaterial. He thinks we need the division of power.

Mrs. Cox said the only thing she can see, the County Commissioners can say "we'd like to do this"; but they can't do it unless the Council says, "We will give you the funding". Were we to put the legislative under Council control, there is only one citizens' input group. This is the only problem that she sees with it at this time. However, she, too, would like to study the chapter and appreciates Mr. Elliott's bringing the matter to the attention of the Commissioners.

Commissioner Willner also expressed appreciation to Mr. Elliott.

Mr. Elliott commented that he is looking forward to the joint meeting.

RE: EUTS - ROSE ZIGENFUS

Mrs. Rose Zigenfus was recognized by the Chair. She presented a Federal Aid Application for funding the construction of the Fulton Avenue Bridge. We applied for this in February. Because the sufficiency rating on the bridge was not below 50, they denied it. Since that time the bridge has been evaluated and the sufficiency rating is below 50 and EUTS is re-submitting our application and she needs the Commissioners' signatures on same.

The Chair entertained a motion Motion to approve application was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN CHAPEL HILL SECTION 'B'

It was announced by President Willner that this matter has been deferred.

RE: SELECTION OF CONSULTANT - LYNCH RD. EXTENSION PROJECT

The meeting proceeded with discussion concerning selection of Engineering Consultant for Lynch Rd. Extension Project.

Commissioner Borries said that as announced, the Commissioners met on Tuesday, September 16th, to review a number of proposals regarding the Lynch Rd. project from Oak Hill Rd. into Warrick County (Telephone Rd.). Mrs. Zigenfus had suggested that the Board might want to look at dividing the project -- and that is one possibility. He and Commissioner Cox met with Mr. Easley and worked at length to come up with a group of criteria to review the proposals and then to invite some of the firms whose criteria had been reviewed to attend an interview this coming Wednesday, September 24th. The series of interviews will begin at approximately 2:30 p. and continue until such time as all firms invited have had an opportunity to make their presentation and ask any questions regarding said project. He asked that Mr. Easley present a list of the firms invited for interview. They were, as follows:

- 1) Fink, Roberts & Petrie, Inc. Indianapolis
- 2) Bernardin, Lochmueller & Assoc. Evansville
- 3) Morley & Associates Evansville
- 4) Veach, Nicholson & Griggs Assoc. Evansville
(joint venture proposal with HMTV)

Commissioner Borries said subject firms will be notified to attend interview on September 24th. Mr. Jim Lindenschmidt will obtain appropriate meeting place and notify Commissioners.

RE: VACATION OF PUBLIC UTILITY EASEMENT ON BLOSSOM LANE & PEACH BLOSSOM LANE

Mr. Morley said that at last week's Commissioners' meeting there was a request to vacate about four (4) easements. Information was presented. An interested individual at the meeting discussed the water line and the fact that I-164 was going to come across the extreme east end of the project. He has subsequently verified this and the information was correct. Union Federal has received a letter of request from the State on the acquisition of that parcel. Therefore, he is deleting the request. The second easement contained a high voltage line, which would have cost a lot of money to relocate. He then met with Union Federal and their Counsel (Jack Schroeder) and are deleting all requests with the exception of one. That is, the one easement between Lots #23 and #24. They have re-worded the first page of the ordinance to include only that single description of easement between Lots #23 and #24. Union Federal now only wants to vacate the one (1) easement. The other easements will stand as they are today and in use. He did confirm with Jack Schroeder,, Union Federal's Counsel, that insofar as the ordinance is concerned that the only thing they can do before the Commissioners is delete. The request is with the deletions of the other easements, leaving one single easement with request to vacate public use of -- and that is the one between Lots #23 and #24. There are no public utilities in the easement to be vacated.

In response to query from the Board, Attorney David Miller verified that no further advertisement is necessary.

Motion to approve revised request for vacation of the one (1) easement was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller advised that he has received a notice from a former County Employee of a charge of discrimination under the Age Discrimination Employment Act of 1967, which he needs authorization from the Board to respond to the notice from the

Equal Employment Opportunity Commission. He can pass this to the Commissioners. The charge, at this point, is protected by two separate Privacy Acts: One is the 1974 Federal Privacy Act and the other is a section in the Age Discrimination Employment Act. This does not become a public matter until the filing of a court action. He frankly doesn't know whether that protects counties under this situation, but he does know that it protects the complaining individual and he doesn't think we're entitled to disclose it simply because it is a public matter.

Commissioner Borries said he is certain the Commissioners know this. A motion was entertained to refer this matter to County Attorney David Miller. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Work Report for employees at the County Garage for period September 15 thru September 19, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Wedeking & Peacock Lane - Ditching - Installed driveway tile.

Paved: Middle Mt. Veron Rd.

Patch Crew: Old 460, Williams Rd., Rosenberg, Marlene Drive, Kleitz, Alta Vista Drive, Ridgewood, Burgdolt, Bexler and Oak Hill Rd.

Grader: Old Henderson, Seminary, Golden Rule, Schissler, Roth, Happe, Cypress-Dale, Kneer, Emge, Schenk, Orchard, Sensmeier, Neubling, Outer Darmstadt.

Mower: Lynch, Oak Hill Garrison, Hitch-Peters, and Old Henderson

Trash: Bender, Old Petersburg, Green River Rd., Lynn, S. Weinbach, St. Joe and Darmstadt Rd.

The boy's summer crew cut weeds and brush on Boonville-New Harmony Rd. and St. Joe Avenue.

The Bridge Crew installed 24 inch pipe at the intersection of Eisterhold and Seminary Rds.

Repaired Delaware Street Bridge.

Sanded Green River Rd. Bridge.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew reports received and filed.

Sign for Curve/Hogue Rd.: Commissioner Cox queried Mr. Bethel concerning installation of curve signs on Hogue Rd., which was discussed last week. Mr. Bethel said the signs were ordered and installed.

Repaving of Schillinger Rd.: Commissioner Cox said she has received several calls concerning repaving roads. She received a call from Mr. Schillinger, wanting to know when this road is going to be repaved.

Mr. Bethel said all repaving should be finished by October 15th -- if the weather holds out.

Commissioner Willner said Schillinger Rd. was not on the list.

Mrs. Cox said, "Oh yes, it was."

Mrs. Cox asked if the repaving, including Streuh-Hendricks Rd., should be finished by October 15th?

Mr. Bethel said again that it is hoped that all repaving will be finished by October 15th.

Commissioner Willner asked Mr. Bethel if we're going Schillinger this year?

Mr. Bethel said responded in the negative.

Commissioner Willner then queried Mr. Easley.
Mr. Easley responded that he believes it was on the cold mix paving program.

Mrs. Cox said this is one of the roads added on after the hearing and it was published in the paper..

Mr. Easley said he believes it was designated that this be done by county forces; but he believes it was cold mix, because it doesn't have a very good base and they were afraid to put hot mix on it.

Mrs. Cox said that, according to report, we smeared it last year.

Mr. Bethel said we did sections of it -- with cold mix.

Mrs. Cox said these people came up to the hearing and they were assured by County Council prior to appropriation of road money, that this would be one of the roads that got attention.

Mr. Easley said it was on the June Supplemental List and he thinks it was designated that it would be paved with cold mix.

Mrs. Cox said hot mix or cold mix doesn't make any difference; but it will be done by October 15th this year?

Mr. Bethel said he cannot make a statement at this time on that particular road. He will, however, give her an answer.

Mrs. Cox queried Messrs. Easley and Bethel concerning the problem.

Mr. Easley responded, "Money".

Mrs. Cox said "Money is the problem? On so many of these private contractors that came in, you reported that they were under your estimate and you were very, very pleased that they were under the estimates."

Mr. Easley said that if Mrs. Cox will recall he said there have been some overages and underruns. Some of the contract quotes were under what was estimated and some of the roads we estimated would take 1-1/2 inch of surface in some cases ran 2 inches and we had some overruns. Thus, there are some pluses and minuses in the program and we're now down to where there are just two or three roads left and we now need to evaluate how much money is left. It is possible that one or two of those may have to be deferred until next year. We're not supposed to obligate ourselves.

Mr. Bethel said he would like to wait until next week to give Mrs. Cox an answer.

Commissioner Cox said the only thing she knows that was brought to the Commissioners' attention (and they did approve same) was an intersection on St. Wendel and Motz roads -- to do some extra work.

Mrs. Cox said that if there are change orders that have been coming along the line on these roads ---

Mr. Bethel said he will give Mrs. Cox a definite answer next week.

In response to query from Commissioner Cox, Mr. Easley said the county took some of the rougher roads and the overruns (some with the county and some with Rudolph) have been the result of the roughness of the road. The primary purpose of wedging is to improve the profile -- to get it as thin as you can at the high points and fill the low points -- so you have a smooth riding surface. When we put the program together without a formal profile machine, they looked at it and made an estimate. They used those figures to make the computations to allocate the money. In some cases those figures have proven a little optimistic. However, we're spending \$1-1/2 million this year and he thinks we've managed it very well and we now have some very good roads out there. Streuh-Hendricks is being prepared and we will possibly start the resurfacing tomorrow.

Commissioner Cox said she feels like if we were having this crunch that perhaps the Commissioners should have known about it before now and maybe they can ask the Council to go ahead and give us whatever extra money to get what we have scheduled this year.

Mr. Easley said he thinks he said something to Harold Elliott and Mark Owen to see if they know of an extra \$60,000 that might be floating around that we could have. Again, in the printed program we were probably a little optimistic regarding the 1-1/2 inches (the favored resurfacing thickness, of which the Commissioners all have a copy) and it proved to be a little optimistic. It's awfully hard to put a consistent half inch and then put one inch on top of it. Maybe he should apologize for that. But there was concurrence concerning our projections from other individuals whom we'd consulted.

Commissioner Willner remarked that Mr. Easley needs to say that the contract was based on tonnage -- not miles or inches -- but tonnage.

Mr. Easley said it is a tonnage contract; we are buying by the ton. While it may be a strange analogy, it's just like putting icing on a cake. If you have a rough cake, you need more icing to fill those voids. When you're paving, you've got to do it right. And we have made every effort to do it right -- even though we know there may be some problems at the end. He and Mr. Bethel have known about this and have been hoping they could pick up some here and there -- and they have tried to stretch the money.

Commissioner Cox said it is good to put the Board on notice and say that we may need a little more money to do this this year. She'd rather go back and try before the Council than to just drop the people on the list -- because that is going to put us behind.

Kierkoff Blvd.: Mrs. Cox said she also received calls concerning Kierkoff Blvd. Mr. Bethel said that is finished.

Mrs. Cox queried Mr. Bethel about the water that was shooting out...

Mr. Bethel said that has all been taken care of.

Mr. Easley said he received calls during the last hard rain. We did not chemically grout underneath the pavement. You'd have to tear up the whole street. They got the big ones -- the worse ones -- and the ones they thought were causing the problems. This is just like Melody Hills and Evergreen Acres -- they did the best they could and he thinks it will hold up pretty well. They did base patching.

Mrs. Cox said if we stick to trying to make these jobs last ten years, then it is not going to be fair to the other people being put on hold if we have to come back and do some of these same projects all over again.

Mr. Easley said he doesn't think we will have to re-do anything we've done this year for 10 to 15 years.

Mrs. Cox said that, according to the plan, that is how long they are going to have to last.

Colonial Garden Rd.: Commissioner Willner addressed Mr. Sam Biggerstaff, who was seated in the audience, and queried him re Colonial Garden Rd., asking if that subdivision will tear up a new road? Mr. Biggerstaff said it will not. Mrs. Cox said that Mr. Michael Miodus was saying that right now that is the access to get back to the building site and there are some large size trucks utilizing the road and they are installing a sewer line. Mr. Biggerstaff said tat Colonial Garden Rd. is not being used more than any other road.

Commissioner Willner queried Mr. Biggerstaff (1054 Madison Avenue) re the progress. Mr. Biggerstaff said the storm sewer is in up to the retention basin -- maybe further than that. Commissioner Willner asked if it would behoove the county not to do that road this year? Mr. Biggerstaff said it is not any worse than it was. It was already full of chuckholes, but they could be patched. Commissioner Willner said he thinks that is what we will do this year -- and wait to see what that construction does.

Commissioner Cox said she drove out there during the heavy rain and she did not see that much water out there this time. (This was where the residents had showed photos of people going down there in canoes, etc.)

RE: COUNTY ENGINEER - ANDY EASLEY

"B" Street Underpass: Mr. Easley said that at the Commissioners' request he has prepared a legal advertisement concerning a Consulting Engineer to design the "B" Street Underpass. It was determined that the notice will be advertised September 25 and October 2, with opening scheduled on October 13th.

(Subsequent to the meeting, it was determined that the advertisement will be run on September 25th and October 2nd, with proposals to be submitted by 2:30 p.m. on Monday, November 3rd, per Attorney David Miller -- in accordance with new State Statute.)

Motion to approve advertisement for proposals was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK

President Willner submitted copies of Financial Statement for period ending August 31, 1986.....report received and filed.

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wednesday	9/24	2:30 p.m.	Interviews re Lynch Rd. Project
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Wednesday	9/24	3:00 p.m.	Council Finance Meeting
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RE: BIDS ON RESTROOM FACILITIES/BURDETTE PARK

Commissioner Cox asked if there is any report on bids received for restroom facilities at Burdette Park?

Commissioner Willner said that Messrs. Kinkel and Tuley need to review these bids further. They need to do some more trimming. The bids are \$40,000 and we only have \$30,000.

RE: CLAIMS

President Willner said he has no claims to present for approval today.

RE: EMPLOYMENT CHANGES

Prosecutor (Appointments)

Daniel DeArmond	Dep. Pros.	\$19,000/Yr.	9-22-86
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Burdette Park (Releases)

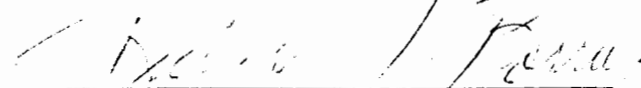
Amy Helfrich	Reg. Guard	\$3.60/Hr.	9/15/86
Matt Caton	Reg. Guard	\$3.60/Hr.	9/1/86
Robert Hayes	Ext. Guard	\$3.35/Hr.	9/15/86
Jodi Carnahan	Ext. Guard	\$3.35/Hr.	9/8/86
Mike Powless	Head Guard	\$38.00/Day	9/1/86
Greg Topper	Asst. H.G.	\$35.00/Day	9/14/86
Denise Strange	Reg. Slide	\$3.50/Hr.	9/14/86
Carole McNaughton	Ext. Guard	\$3.35/Hr.	8/31/86
Karen Williams	Pool Cashier	\$3.75/Hr.	9/13/86
Joeli Staley	Reg. Guard	\$3.60/Hr.	9/15/86
Jennifer Talley	Reg. Guard	\$3.60/Hr.	9/2/86
Missy Martin	Ext. Guard	\$3.35/Hr.	9/18/86
Clifford Harth	Reg. Guard	\$3.60/Hr.	9/15/86
Kelly Siekman	Ext. Guard	\$3.35/Hr.	9/1/86
Carol Owens	Ext. Guard	\$3.35/Hr.	9/15/86
Barbara Owens	Reg. Guard	\$3.60/Hr.	9/15/86
Robert Kirk	Ext. Guard	\$3.35/Hr.	9/8/86
Kendral Stinson	Ext. Guard	\$3.35/Hr.	9/15/86
John Bippus	Ext. Guard	\$3.35/Hr.	8/25/86
Shauntrece Crider	Ext. Guard	\$3.35/Hr.	9/8/86

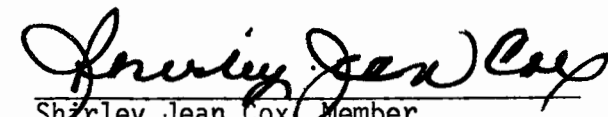
There being no further business to come before the Board, President Willner declared the meeting adjourned at 3:50 p.m., noting there would be a ten (10) minute recess prior to Drainage Board Meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. J. Cox	Sam Humphrey (Chief Deputy)	David V. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
	Andy Easley	Bill Bethel	Bill Jeffers (Chief Deputy)
	<u>AREA PLAN</u>	<u>SHERIFF</u>	<u>OTHER</u>
	B. Cuningham B. Behme	C. Shepard	James Morley News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox Member

MINUTES
COUNTY COMMISSIONERS MEETING
SEPTEMBER 29, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, September 29, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of meeting held September 22, 1986, be approved as engrossed by the County Auditor, and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: BUILDING COMMISSION - ROGER LEHMAN

The Chair recognized Mr. Roger Lehman, who stated he is present - to request approval for house move. J & J Moving (a newly licensed, bonded company from Kentucky -- this will be their second permit) wishes to move a house from 2031 Eastland Drive to 7410 E. Blackford. The Building Commission has checked around and they recommend that it be subject to after 8:30 a.m. and before 4:00 p.m., if the move occurs during the work week, due to the traffic.

Commissioner Cox asked if their first move went o.k.? Mr. Lehman responded in the affirmative. They have done quite a bit of moving in Kentucky and thus are experienced.

The Chair entertained further questions. There being none, a motion was entertained. Motion to approve request was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

President Willner requested that the records reflect that the August report from the Building Commission was also submitted.....report received and filed.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Clarence Gilles: It was noted by President Willner that applicant appeared before the Commissioners last month and the Commissioners ordered the Pigeon Trustee to pay one month's rent (July) for applicant. Commissioner Willner asked that Attorney Jones read the portion of minutes from August 25th meeting that concern Mr. Gilles. Attorney Jones responded that the portion pertaining to the applicant was quite lengthy. However, the Board approved paying one month's rent.

The Chair recognized Attorney Katherine Ryback of Legal Services, who was present to represent the applicant. She said she just now saw the reason for the denial on Mr. Gilles' application. When they attended the August 25th meeting, Mr. Gilles had not applied for the August rent. He had applied for rent assistance for the month of July and that was approved. There was some indication from the Commissioners that they would not be receptive to another appeal on Mr. Gilles' part. However, the Commissioners were not in a position at that time to order that the Trustee not pay rent any more and she doesn't think there is a legitimate basis for a denial of Mr. Gilles' application for poor relief. It certainly is not within their standards and it is not something that was within the authority of the Commissioners that Mr. Gilles last appeared before them.

What this case really is about is the Trustee's standards that they will not pay rent for more than a 90 day period for any able-bodied person without dependents. And that such person becomes ineligible for 18 months following the payment of rent for 90 days. As she has argued to the Commissioners before, she strongly believes that this standard is illegal and violates the Poor Relief Statute. The Commissioners and the Trustee have taken a position that poor relief is a temporary measure. But that is just not true from what the statute says. She would refer the Commissioners to I.C. 12-2-1-10-B, which provides that the Trustee shall provide aid when the personal effort of the applicant fails to provide one or more of the following items; those being food, clothing, shelter, light, etc. Mr. Gilles is here because he has not been able to provide shelter for himself. Another indication of the intent of the statute is found in I.C. 12-2-1-6-A, which provides that the overseer of the poor in each township shall have the oversight and care of all poor persons in his township so long as they remain in the charge and shall see that they are properly relieved and taken care of in the manner required by law. The only reference in the whole poor relief statute to "temporary assistance" comes at I.C. 12-2-1-20, where the Township Trustee can help someone if they receive a complaint that someone in their township is lying sick and in distress; and I presume that from that statute the Trustee has the authority to then grant temporary aid without that person coming in and actually applying for it on their own behalf. Furthermore, the poor relief statute anticipates that a person would be on relief for longer than 90 days. I.C. 12-2-1-6.1 requires that an applicant file a re-application every 180 days. So it anticipates that a person can receive assistance based on one application for 180 days. Then, if he renews his application he can continue to receive assistance so long as he continues to keep his application current. The other thing is that poor relief is the only general assistance in the State of Indiana and the Trustee's statute is real plain that the Trustee can turn someone down if they are eligible for another public assistance program. But Mr. Gilles is not eligible for any other public assistance program. His Social Security application has been denied and his doctor has released him to go back to work with some limitations on the amount and type of work that he can do. He certainly is not eligible for Aid to Families with Dependent Children, because he doesn't have any dependent children. He is not eligible for help from the Evansville Housing Authority because he is not yet a senior citizen. He is only 59 years old. He does not get S.S.I. or Social Security, because he cannot meet their criteria for disability. He also does not have children or family, so he cannot get public housing on that basis. Mr. Gilles is not eligible for unemployment. The only thing that Mr. Gilles receives besides Trustee assistance is food stamps which is only \$80.00 per month; which is only good for food; it does not keep him from losing his shelter. The Trustee is required by statute to obtain information about all of the public assistance programs; so if there is any assistance program which she has overlooked, she is sure they would have referred him to same and required him to apply, as a condition for his eligibility for Trustee assistance.

Mr. Gilles' situation is more desperate this month than it was in the past, because he now has a new landlord (Mr. Walter Stremming) who has indicated to him that if some arrangements are not made for his rent to be paid today, Mr. Gilles will be evicted. Mr. Gilles only pays \$33.00 per week for his rent, which by any standard is very inexpensive, very economical. He will lose this economical shelter if no arrangement is made for his rent to be paid and he will not have any other way of providing shelter for himself. Basically the statute requires that the Trustee provide shelter when a person is not able to do that on their own. Mr. Gilles has made substantial efforts again this month in trying to find employment so he can provide for his own rent. He stopped by C.C.P. Security today and they will be taking an application from him. Today he also applied to the

Shriners for a job as a custodian. He has applied for custodian and security guard jobs at Sears,, J C. Penny; he has applied at the Flower Shop, Master Tool & Die, Kentucky Fried Chicken; he has applied for custodian/security guard at Eastland Mall. He also had a temporary one-day job, which he just received payment for Friday. That is why his income does not show up on his poor relief application. But he only worked five (5) hours at Roberts Stadium mopping floors; they indicated they would call him back in November when basketball season starts and he will have somewhat more steady employment. But the recent stint was a one-time thing after a concert or something where he had an opportunity to work. Basically it is the Trustee's responsibility as overseer of the poor -- and that is what the statute calls it "overseer of the poor" -- to see that Mr. Gilles has shelter. The Trustee does have discretion to provide shelter in the most economical fashion; and if there were a County Home, the Trustee could require him to live in the County Home. Or they could require him to live in a low rent accommodation, if there were someplace he could go that would require lower rent. But the action proposed by the Trustee in this case would, in effect, leave Mr. Gilles on the street and that is not what the statute contemplates. The statute talks about the overseer of the poor taking care of the poor people in the township; and she doesn't think the legislators of the State of Indiana intended that people should be left with no way to provide shelter for themselves.

The Chair entertained questions.

Commissioner Borries asked Ms. Walters of the Pigeon Trustee's office how long it has been since they had their workback program? She responded that it has been four or five months. Mr. Borries queried Ms. Walters concerning the reason the program was terminated. She responded that they could not get insurance.

Commissioner Willner asked to see the denial slip; the sheet he has is the appeal sheet. Ms. Walters said the reason for denial is listed on the appeal sheet. Commissioner Willner read, "Per County Commissioners on 8-25-86, ordered P.T.T. to pay rent for the month of July only." Now that he applying for rent for the month of August,, he needs another denial? Addressing Ms. Walters he said, "You can't deny him on our basis; you have to deny him on your own basis."

Ms. Walters said she was just following the rules; the Commissioners had said to pay the July rent only.

Commissioner Willner said there was a misunderstanding; the Commissioners had said to just pay one month's rent -- not July only. At the time he was asking for rent for the month of July.

Attorney David Jones interjected, "Each month is being treated separately -- one at a time."

Ms. Walters said it was her understanding that the Commissioners had said "for July only".

Commissioner Willner asked "What if we said pay his rent one month only?"

Mrs. Walters said "It is up to you how many times you want us to pay it."

Commissioner Willner said, "We need a different reason for denying assistance to Mr. Gilles. The Commissioners cannot be an excuse for denying assistance. That is not part of the Pigeon Township Trustee's rules for denial. "

Continuing, Commissioner Willner queried Ms. Walters concerning the reason for the first denial. She said because they had paid his rent from September 1985 until April 1986; they paid it again in June and July.

Commissioner Borries asked what Mr. Gilles did in May?

Ms. Ryback said he got some assistance from the Catholic Charities.

Attorney Jones asked if Ms. Walters has information in her records concerning verification of his attempts to secure employment?

Commissioner Willner said they are not telling the whole story here. Mr. Gilles had a job at Western Sizzlin and quit it on his own.

Attorney Jones said he noted this in the records; what he is saying is that he has to continue to try to obtain employment. If the Trustee is not satisfied that he is, that is a basis for denial. That is a discretionary call which they get to make.

Ms. Ryback stated that, "At this point the whole statute is set up to provide prompt emergency relief; in this situation, if you can't uphold the Trustee's decision based upon the reason they have given, then I think Mr. Gilles is entitled to have an order for his rent to be paid. We can't have this going on from week to week with the Trustee coming back with a different week every week. Due process requires that we get this thing decided today on the basis of the decision rendered by the Trustee. If that decision is not valid, then I think that Mr. Gilles should be entitled to have his rent paid for August."

Commissioner Cox said she thinks the new information the Board has received today is that he is not eligible for the S.S.I. program. I think he was in the process of re-doing something concerning that when the appeal first came up. Now Ms. Ryback is saying that that is completely out and he has exhausted the appeal and everything, so he will not get that help.

Ms. Ryback said, "Not at this point anyway."

Addressing Ms. Walters Commissioner Cox asked, "His one day work at Roberts Stadium, was that through your office? Did you refer him?"

Ms. Ryback responded, "That was referred by P.I.C. He has been trying through P.I.C. to find employment."

Mrs. Cox asked, "Then Mrs. MacGregor did not try to help him find a job?"

Ms. Walters responded in the negative.

Commissioner Gilles asked, "Has Mr. Gilles seen his doctor since the last time he appeared before the Commissioners?"

Ms. Ryback said the last time he saw his doctor was in July. At that time he was told to keep taking his medication. (Mr. Gilles offered other comments, but they were completely inaudible.)

Commissioner Cox queried Ms. Walters concerning amount allowed for Mr. Gilles rent in the past. Ms. Walters said \$110.00 per month. She said she received a letter today from his doctor which was written on September 23rd. She passed it along to the Commissioners for their perusal.

Commissioner Cox asked if Mr. Gilles' landlord would accept the \$110.00 to keep him from being evicted? (Mr. Gilles' rent is \$33.00 per week, which is more than \$110.00 per month.)

Mr. Gilles said his landlord wants the rent paid ahead of time.

Commissioner Willner pointed out that Item #22 of the Pigeon Township Trustee's guidelines states that the Trustee's office does not pay first month rent or deposits for housing.

Ms. Ryback said that Mr. Gilles is still in the same apartment; he just has a new landlord. She thinks that if she talks to the landlord and explains how the Trustee's assistance program works

Mr. Gilles interjected comments, but they were inaudible.

Commissioner Cox said she reviewed the guidelines of other trustees, also, and she could not find within their guidelines where it says they will help a person for 90 days and will no longer help them for 18 months. She could have missed it.

Commissioner Willner pointed out that different townships can have different guidelines...and Mrs. Cox said she understands that.

In reviewing the letter from Mr. Gilles' doctor, Mrs. Cox noted that the letter says "moderate work load and limited to lifting 20 pounds", which really isn't very much to lift.

The Chair entertained questions or a motion.

Commissioner Cox said she thinks the Commissioners have no choice but to pay the rent. Mr. Gilles has shown an effort in seeking work and he is restricted and Ms. Walters said the Trustee's office does not help these people seek employment or find jobs. She doesn't know what else Mr. Gilles could do. Therefore she moves that Mr. Clarence Gilles' request for appeal be granted and approved.

Commissioner Willner asked "For what period of time?"

Commissioner Cox said, "The last time he requested rent for July. That is why we couldn't act on the other months. And I know there was some discussion by you gentlemen regarding don't come back up here again -- but that is not the way the motion was. The motion was simply for the one month period and that is what the request is here -- for one month.

Commissioner Willner said the appeal sheet just says "rent"; it doesn't say how long.

Ms. Ryback said that basically, according to Trustee's guidelines of 30 days behind, we're limited to the month of August because that is what is behind.

Commissioner Willner asked Ms. Ryback to tell him again why Mr. Gilles quit his last full time gainful employment. She said he worked at Western Sizzlin; he worked one evening and was unable to continue because of the physical requirements of the job. He was basically working through closing time as a dishwasher and there was a lot of time pressure and a lot of rushing around; and he also had to carry out garbage. She believes his doctor has indicated that his heart rate should be kept under 150 and Mr. Gilles was really feeling the toll of having to keep up in that job.

Commissioner Willner said he would second the motion made by Commissioner Cox. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS - CHAPEL HILL SUB
SECTION B

The Chair recognized Mr. Steve Sherwood, who was present to address a request for waiver of sidewalks in Chapel Hill Subdivision, Section B. Mr. Sherwood showed the subdivision plans to members of the Board and there was a brief discussion after which the Chair entertained a motion.

Motion was made by Commissioner Borries that the request for waiver of sidewalks in Chapel Hill Sub Section B be approved, with a second from Commissioner Cox. So ordered.

RE: SHERIFF'S DEPARTMENT - COMPUTER DISPATCH AGREEMENT

With regard to the agreement between the City and County concerning consultant services on computer dispatch, Sheriff Shepard reported that he should have the last signatures on the agreement by next Tuesday. The gentleman involved plans to arrive in Evansville at that time and this would be more expedient than forwarding the agreement via mail to be returned, etc. Signed copies will be put in the Commissioners' baskets at that time.

RE: TRAFFIC ACCIDENT REPORT - ALLEN'S LANE & ST. JOE AVENUE

Sheriff Shepard continued by distributing copies of the Traffic Accident Report for the Allen's Lane and St. Joe Avenue intersection, which had been requested by Commissioner Cox last week. She had asked for a survey regarding the time of the day the accidents occurred and the day of the week on which they occurred. After today, he will have a complete file in his office (St. Joe & Allen's Lane - 1984, 1985 & 1986 Accident Reports and November 1984 Traffic Count). With regard to the day of the week and the time of day when the accidents occurred, there doesn't seem to be any pattern. In 1986, it seems that Tuesday is the only safe day of the week -- there were no accidents occurring on Tuesday. He asked the Traffic Department to run a traffic tape and they said they did this in November 1984 for three days. They said that would suffice as being just about current; the traffic hasn't changed that much in three years. It seems that most of the accidents are occurring either from people turning off of Allen's Lane onto St. Joe or crossing St. Joe. If the Board needs additional information, he has all of the accident reports; but he didn't think it necessary to give them copies of every accident report.

Commissioner Willner said the Board appreciates the information provided and the matter will be taken under advisement.

In response to query from Commissioner Cox, Sheriff Shepard said vehicles involved were either making a right or left turn onto St. Joe from Allen's Lane or crossing the intersection. "The predominant cause of accidents was Allen Lane traffic turning onto or crossing St. Joe Avenue. It was noted by the Sheriff that the Traffic Department gave this intersection a high priority "A" in November 1984. Following comments by Commissioner Cox concerning vision difficulties in the area at dusk, the Sheriff said there might be a need for a lighting survey of the area.

Commissioner Borries remarked that in reviewing the survey, it would appear that there is almost five times as much traffic on the east side of St. Joe, so the majority of the accidents probably took place here as opposed to the opposite side of St. Joe.

Sheriff Shepard said you can run all kinds of surveys, so if they can provide additional information, they will be happy to do so.

RE: LYNCH RD. EXTENSION - AGREEMENT FOR CONSULTANT SERVICES

President Willner said the Commissioners did meet with the four companies last week and heard presentations from all. They had an opportunity to ask questions and make determinations regarding anything in the realm of a consultant for that corridor. It was decided that the project would be broken down into two sections. The section starting at present Oak Hill Rd. and going to Burkhardt Rd. would be Section #1. From Burkhardt east to Telephone Rd. and on into Warrick County would be Section #2. It is now time for the Commissioners to state their preference and reach an agreement re consultant services for Lynch Rd. Extension. He asked whether Commissioner Cox has anything to add or subtract?

Commissioner Cox said we have no guidelines to give them at this time. Should we do this or is the Board going to have another discussion with the consultants and come up with a price they're going to charge so we can determine whether this is going to be within our range? Or are we just going to pick two firms and say, "Go with it" and let them give us the alternatives? Mrs. Cox said she doesn't want us to get caught in the same problem that we got caught in out on Eichoff Rd. We sat down with the consultants and told them exactly what we wanted and she thinks we had three or four at that time who submitted a proposal with dollar and cent figures. Then there was a misunderstanding and we had to back up and go again. She doesn't want to see this happen again, because it only holds up the project.

President Willner asked that Mrs. Rose Zigenfus offer comments.

Mrs. Zigenfus said she thinks what Commissioner Cox is asking is what is the next step insofar as the design consultant is concerned? Once the Board names a consultant, it is her understanding that they are then going to be required to present a description of the project according to the environmental document and the cost they project for the project. Then it is up to us to look at it and negotiate whether or not we feel it is appropriate. Once we reach a determination, we refer it back to the State for approval.

Commissioner Cox said her question is, "How are they going to know what to propose to us if we don't give them some guidelines as to what is going to take place?"

Mrs. Zigenfus responded that they know what we're expecting because it is spelled out in the environmental document.

Commissioner Cox said she would like to have a copy of the environmental document.

Mrs. Zigenfus said she doesn't have an extra copy. She can let Mrs. Cox have it for as long as she needs it.

Mrs. Cox said she will make a copy. Does it address the necessary turn lanes, whether or not there is a median, etc.?

Mrs. Zigenfus said it describes the project and it also stipulates the design and road width, etc.

Commissioner Willner queried Mrs. Zigenfus, asking, "They will never give us a price per se, will they?"

Mrs. Zigenfus said she doesn't believe they will. They break it down into overhead rates, etc., and then it is up to us. The other thing is, the State won't buy it if you have a line -- they just won't accept it and they will refer it back. Since they are participating in the design and funding, they will have to approve it.

President Willner asked if Mr. Easley has any comments?

Mr. Easley said he believes Mrs. Zigenfus covered it; the engineering agreement will be prepared by the consultants.

President Willner said that after we name a consultant, if we are not happy with his work or his figures or whatever, we still have an opportunity to re-evaluate at any future date until design is begun? Is that correct?

Mr. Easley said it is conceivable that if the Commissioners make their selection and are happy with the proposed fee, then he thinks the procedure is that the Commissioners sign the agreement and forward it to the State. If the State is not happy, they will return it and say they are not satisfied with the fee -- because they are paying 75% of it. Conceivably, they may ask us to negotiate with someone else.

President Willner said that is his understanding. He then asked, "The company we select today will write the agreement, is that correct?" Mr. Easley responded in the affirmative.

Commissioner Borries said he thinks all of the firms gave excellent presentations and their input is appreciated. He believes they do understand that we will negotiate and certainly want to move forward with the project if the road is to benefit the northern part of the county. It is his recommendation that for Phase A (portion from Oak Hill to Burkhardt Rd.) that the consulting agreement be awarded to Bernardin Lochmueller & Associates; and Phase B (from Burkhardt Rd. to Telephone Rd. in Warrick Co.) be awarded to Howard Needles, Tammen & Bergendoff. The motion was seconded by Commissioner Cox.

Continuing, Commissioner Cox said that since this project does go into Warrick County, have we checked with Warrick County concerning what we're going and do we have their o.k. for these two companies to proceed?

President Willner said not at this time. We've been trying to reach them all morning and they are still being called at this moment.

Commissioner Cox asked, "You weren't able to reach them last week? Are they all on vacation?"

Commissioner Willner said they are not at their regular assigned posts, so he guesses they are not full time Commissioners either. He has been trying to reach them at their homes, etc., and has not been successful. He will, however, continue to try to reach them and appraise them of the action taken by the Vanderburgh County Board of Commissioners. If it is not all right with them, he will report back to the Board.

RE: ACCEPTANCE OF CHECK

A check in the amount of \$2,279.00 for reimbursement for a portion of student earnings as incurred through the Work-Study Program for the month of June (summer employees at Burdette Park) was submitted by Commissioner Willner. Motion to accept check for deposit into County General Fund was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY

The Chair recognized Attorney David Jones who advised he has nothing to report to the Commissioners today.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage & Bridge Crew: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period September 22 thru September 26, 1986...report received and filed. Attached to the report was the following Work Schedule:

Gradall: Seminary Rd., Peacock Lane, Emge Rd. and Upper Mt. Vernon Rd.

Paved: Middle Mt. Vernon Rd., Mahrenholz Rd., Huckleberry Lane; wedged Old 460

Patched: Old Lower Mt. Vernon Rd., Schmuck Rd., Harmony Way, Old 450, Mohr Rd., Bayou Creek, Mill Rd., Kleitz Rd., Drexel, Bromm, Baseline

Rocked: Emge, Buente, Green River, County Line East, Weiss, Mann Rd. and Montgomery

Grader: Sensemeier, Neubling, Outer Darmstadt, Kissel, Emge, Buente, Mann Rd., Baehl, Schmitt, Lutterbach and Maasberger

The boys' summer crew cut grass, weeds and brush on #3 School Rd., Lower Mt. Vernon and Booker.

Bridge Crew: Also submitted for the same period was the work report for the Bridge Crew. They repaired culvert on Seminary Rd. at Eisterhold and accomplished sandblasting on Green River Rd. Bridge, in preparation for painting.

Weekly Absentee Reports: Also submitted for the same period were the Absentee Reports for the employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Cox queried Mr. Bethel concerning Green River Rd. bridge, asking whether it is #91 or #82? Mr. Bethel said it is the bridge over Pigeon Creek. Mrs. Cox said she thought our bridge study requested that we contract that out, because there is a lot of work to be done on that bridge. There was a lot of rusting on the rocker arms. Mr. Bethel said his men are sandblasting it and they are doing a very good job. Mrs. Cox again said the bridge report recommended that this was one area to be done by contract rather than in house. She asked why the decision was made to try to do it in house? She thinks the basis of her concern here is that she noted he reported on last week's report that the bridge crew had worked on the Columbia-Delaware Bridge (had repaired it). She said she would invite each Commissioner and the news media to go out and look at these repairs. Mr. Bethel said it is not finished. Mrs. Cox said that what they did has already broken; the concrete has cracked and it has fallen away from the crevices. She thinks that sometimes the jobs are a little too big to be done in house. We need some expertise. We are a year behind on this bridge work. She has just finished going through her copy of the bridge report and a lot of these say that the work should be done by contract and they should be done immediately. She thinks we have not paid attention to this -- and she thinks we have to get back on track and get something going with our bridge crew. Mr. Willner has accused her of being political and saying it is all politics whenever she brings up anything. She thinks that his move of taking the bridge crew away from the Surveyor's office and taking full control of it was certainly a political move. As far as she can remember in her memory in the history of Vanderburgh County that we have not designed and built one bridge this year. She thinks this is inexcusable and she thinks we need to get the people in who know how to make these repairs and not keep treating the symptoms and not looking at the cause. She feels very strongly about this and would like to have Andy Easley, the County Engineer, speak to this.

The Chair entertained other questions of Mr. Bethel.

Commissioner Cox said she has other questions; but they can come under "Old Business" concerning the road paving, etc. She needs both Messrs. Bethel and Easley when this is discussed.

The Chair recognized Mr. Easley.

Commissioner Cox addressed Mr. Easley and said, "In your bridge report, Andy, this says 'rehabilitation by contract' on structure #91 (the bridge on Green River Rd. that they're sandblasting -- the one over Pigeon Creek). Why was the decision made to do this in house? The report says, "Rehab entire deck, LMC overlay; replace BS joints; remove tooth expansion joints and replace with SS joints; clean and paint rockers and end of steel girders".

Mr. Easley said the deck rehabilitation will be incorporated when we reconstruct the bridge next year as part of the widening improvements on Green River Rd. That is major work. As for the painting, we elected to do it in house; the crew can handle the sandblasting (they have a small sandblasting rig) and they can spray paint and they are doing that with county forces. It's a

matter of sandblasting to prepare the steel and they are doing the painting (just as they have painted other bridges in the county).

Commissioner Cox asked who is supervising the bridge crew?

Mr. Easley said Jim Coleman is the foreman and they are working under the garage under Bill Bethel's supervision -- and he (Easley) is Technical Advisor.

Mrs. Cox asked if he has seen the Columbia-Delaware Bridge repairs?

Mr. Easley said they have been repairing some holes in the deck. Yes, he saw the one hole on the west end; he has not yet seen the epoxy bonded concrete.

Mrs. Cox said, "Well, I want you to take a look at that. I have them down as working on that four days last week and the week before. The concrete they put in alongside the bridges -- she doesn't know if they -- that is Bridge 1-C, isn't it? The bridge report also recommended that that be contracted out and not done in house. The report says, "Major rehabilitation; repair columns; install new expansion joints....."

Mr. Easley interjected, "We're not working on the columns. This is some small potholes in the bridge."

Mrs. Cox said "And it's alongside the bridge where big chunks of concrete -- she doesn't know why they come out, but they have come out -- and they have put what appears to be a light kind of a concrete up against it there. When I drove it last Thursday, the concrete had a crack down the center of it and now it is all spilling out onto the road.

Mr. Easley said he will look at it in the morning. But the potholes -- in some instances it is a relatively simple repair and it is easier for the forces to make a permanent repair of a pothole in a concrete bridge deck than have to get a contractor involved.

Commissioner Cox asked, "Andy, why have our men spend their time and energy doing something when it is not holding? It is not working. Are you telling them exactly what to do when they go out there?

Mr. Easley responded, "Yes I am; yes I am.

Mrs. Cox asked, "Who is inspecting the work?"

Mr. Easley replied, "Mr. Pinkston and I are working with them. If these chuckholes are sealed with an epoxy resin bonded concrete it will keep any moisture from penetrating the deck to the reinforcing steel. Technically, it is salt water that comes from salt in the decks. That can be very damaging to the bridge. The chuckholes in these concrete surfaces have not been patched for several years. They should have been patched a long time ago."

Mrs. Cox said, "Well, the chuckholes are one thing; but the major cracking"

Mr. Easley said, "We're not trying to patch any major repairs that they refer to -- the columns; the expansion joints --"

Commissioner Cox said, "Well, you go out there and take a look at it and you tell me what you call it then. I call it sloppy work, a waste of manpower and a lack of supervision -- because it is very embarrassing as a member of this County Commission to see that kind of work right in the heart of our city. Sometimes you can do it out in the boondocks and get away with it.

"Another point of concern is the bridge on St. Joe about one (1) mile past the Boonville-New Harmony Rd. (a double culvert type of bridge). It was down that repairs needed to be done immediately on this. I went out and looked at it during a rain and water was spewing all out of that concrete. I could see hand prints. Do these men have tools to work with? I could see where it was so rough that it didn't look like a trowel had been laid on it to smooth it out -- and water was just pouring out. There is no way that concrete is going to hold on that bridge. I want to know who is inspecting these jobs and who is telling them to make the repairs in that manner? -- because I am a County Commissioner (as are these two gentlemen) and I don't know whether or not they have seen it. But I invite them to take a look at it. It is not quality work. I am sure that if we were paying someone to do it we would not approve that ourselves."

Mr. Easley said he will take a look at it.

Commissioner Cox asked Mr. Easley what year we built the Millersburg Rd. Bridge?

Mr. Easley said it was started about a year ago; we had a bridge opening on it in May.

Commissioner Cox addressed Commissioner Cox and said, "So you say we didn't build one this year?"

Commissioner Cox said, "Oh, that wasn't designed and built this year -- of course not; that took us two years. We had problems out there. It was supposed to have been done in November of last year. There were problems. Nothing has been designed and let this year."

Mr. Easley said, "Well, we've been designing the Green River Rd. Bridge and a couple of other bridges that are going to be built jointly with State money. We're also preparing a design for a bridge on Rollett's Lane; he hopes to get permission to advertise it this fall.

Mrs. Cox said, "Rollett's Lane certainly is not in our bridge report. Is that considered a culvert?"

Mr. Easley said it is considered a bridge. It needs to be a 20 ft. opening.

Commissioner Cox said that in speaking of the Green River Rd. Bridge, she has been talking to the Bridge Engineer and he tells her that our bridge plans which were submitted were not approved.

Mr. Easley said, "They have not been disapproved and they have not --"

Mrs. Cox interjected, "He told me they were disapproved."

Mr. Easley said, "I think there is some misunderstanding.."

Mrs. Cox replied, "Andy, I was up there and saw the drawings that came back. The State is proposing that we tear the bridge out and build a new one. He had an idea of expanding it out on each side of that bridge."

Mr. Easley said the State is coming down to discuss the philosophy of widening that bridge -- and there are two philosophies: 1) To symmetrically widen it (being an equal widening on either side) or 2) Shift the alignment so the existing bridge would either carry the northbound traffic or the southbound traffic, which is something he thinks we are reluctant to do -- because it causes a jog in the road. It probably is desirable to have two separate structures there; but there is a tremendous amount more money involved. That bridge is basically very sound; it probably needs to have a new deck like they have

on bridges to resist salt penetration (apex bonded concrete). But I have been underneath that bridge and other than that, the steel is very well preserved. The rockers on the very end are rusty, but we're sandblasting and painting those this week.

Mrs. Cox, "Well, you know, you wonder if that is one of the reasons the State disallowed our plans that went up. Because the way it was explained to me, we were planning to expand this present bridge out on both sides."

Mr. Easley said "That is right; but the structural joint on either side -- there is a chance for some expansion contraction there because there is some movement. You get a bridge that is fairly wide. It has been done before. There are preferred ways to do things and this is one that is probably a matter of opinion and experience, and we want to get the State's input on it before we commit ourselves on the final design."

Mrs. Cox said, "Mr. Hartman said he would notify me when the State people come in; I asked to be notified."

The Chair entertained further questions.

Claim/Quentin Stahl: Mr. Easley said that as he advised last week, the log jam in Pigeon Creek has been removed from the creek channel and stacked on the west bank of the channel. He has a statement and a claim from Quentin Stahl. He wrote Mr. Stahl a letter on the notice to proceed and told him we accepted his proposal of \$3,000.00 to remove the log jam. As he previously explained to the Commissioners, additional logs had accumulated and Mr. Stahl was authorized to incur additional costs up to a maximum amount of \$1,000.00 on the log jam. When we went out there, there was one island south of the log jam and we found another island further upstream that was covered by the floating debris and we had him take that out. The final bill is in the amount of \$4,228.00 and Mr. Easley said he thinks this very fair. Mr. Stahl has listed the extra work. It is Mr. Easley's recommendation that the claim be approved.

The Chair entertained questions.

Commissioner Cox said she has no questions, because Mr. Stahl was late in getting started and more logs have accumulated since he submitted his price. Motion to approve the claim for payment was made by Commissioner Cox with a second from Commissioner Borries. So ordered.

Commissioner Cox said she thought Mr. Easley was going to provide her with an answer today concerning the breakdown of how much money we need to finish the road work scheduled for this year.

Mr. Easley interjected, "We worked on that Friday and we're not yet ready to bring that before the Commissioners. They are trying very hard to come up with a figure, but they need a few more costs and he needs another week."

Roads Let Out for Private Contract: With regard to some of the roads we've let out for private contract, Commissioner Cox asked who is inspecting that work?

Mr. Easley said he and Mr. Lee Stuckey are doing that.

Mrs. Cox asked, "Do you have reports back where they have been inspected?"

Mr. Easley said that last Thursday he went out and checked Streuh-Hendricks; he was on McDowell Rd.

Mrs. Cox asked, "Did a Mrs. Koch call you?"

Mr. Easley said she called him today (she must have called him Friday when he was took a half day's vacation). He tried to reach her this morning and there was no answer -- thus he does not know what she wanted.

Commissioner Cox asked what Mr. Easley thinks of McDowell Rd.?

He said he thinks it turned out just about the way he had expected. It is 14 ft. wide (the width we had in the paving program) and he thinks J. H. Rudolph did an acceptable job on it.

Mrs. Cox said, "Rudolph didn't do McDowell Rd.; Rogers did McDowell Rd. Rudolph did Streuh-Hendricks. McDowell was a 21 ft. pavement before.

Mr. Easley said that McDowell was never a 21 ft. pavement. North of Streuh-Hendricks it is only 14 ft. wide. We have conflicting information.

Mrs. Cox said the point is that two cars cannot pass on that road.

Mr. Easley said "They never could pass on it Mrs. Cox."

Mrs. Cox said "Then if they can't pass, we have to pay particular attention to the shoulders of the road. You can't expect drop-offs anywhere from four to six inches in that road. If you checked it there is no way you could miss....

Mr. Easley said he doesn't think there are drop-offs that are four to six inches on it.

Mrs. Cox said, "There are some that are even more than that. They didn't do driveway approaches, mailbox approaches, and the strings for the width were out wider than they laid the pavement. If a compact car happens to go off the side of the road, it is going to ruin everything up under that car. It is narrow -- that's true.....

Mr. Easley said that if Mrs. Cox wants to know the truth, it probably shouldn't have been paved with asphalt; but, under pressure, they concurred that it could be paved with asphalt so they didn't have to have all the rock dust -- and they did a very good job of paving it.

Commissioner Cox said she would cite Mr. Easley a report that was made in 1985 by our County Highway Dept. Not the Road Study, the road study doesn't even give us this much. We have McDowell Rd. and then we have McDowell Rd. south. Road width (not right-of-way) is listed as 21 ft.

Mr. Easley said the paving list issued in June said we proposed paving McDowell Rd. a width of 14 ft.

Mrs. Cox said if we're going to have a narrow road, then we're going to have to make approaches for the mailman and the newspaper delivery people, so they won't tear up their cars and ruin our road shoulders. The pavement edges are already crumbled on some of these roads.

Mr. Easley said he hasn't seen any and he thought he'd been over most of them.

Continuing, Mrs. Cox said, "The same way with Westlake Drive, Crestwood, Daniels, etc. I drove these Thursday and Friday. They are narrow; the shoulders and edge of the pavement -- you go off and mud is pumping up in between some of those areas of the asphalt that has been laid. I don't know if you stuck to 1 1/2 inches (like a 1/2 inch base coat and an inch there)or if you increased it.

Mr. Easley said it is about a nominal 1 1/2 inches. He was there on Thursday and looked at it (they just finished it the day before).

Mrs. Cox asked, "Who is supposed to do the drainage for the side ditches of the road before they put it down?"

Mr. Easley said the ditches are not the responsibility of the paving contractor.

Commissioner Cox asked who is going to take care of the drainage?

Mr. Easley said the 1 1/2 inch overlay should not have affected the ditches.

Mrs. Cox said there weren't any ditches to begin with, that is why the road broke up.

Mr. Easley said that on most of those narrow roads there isn't any room to put much of a ditch. The water ends up running over the edge of the road or down the road. The way the property was crudely subdivided on the west side, it is very narrow right-of-way and very narrow road.

Mrs. Cox queried him concerning the width of right-of-way, saying the people are very upset.

Mr. Easley said the people he's talked with are very happy.

Mrs. Cox said then that Mr. Easley isn't talking to the same people who have called her. She said Huckleberry Lane is listed on the report submitted today for work performed. It says, "Paved: Huckleberry Lane". We didn't pave Huckleberry Lane -- we "patched" Huckleberry Lane in a certain area. And, we patched it with black asphalt and that was a chip and seal street or white street to begin with. The neighbors are very upset to have a big ugly black splotch right in the middle of their beautiful subdivision and she can't say that she blames them one bit. Where is the authority to do Barbara Lane? It doesn't show on the report she has, yet it was paved. Where did that authority come from? And it just looks like a real skim job. You can even see the old pavement coming up through the new topping. She said she doesn't even know whether it is rolled; it is very rough. And she did not see Barbara Lane on the "to do" list; she may have missed it, however.

Commissioner Willner said that was probably a patch job, wasn't it?

Mrs. Cox said it is a complete job of cul-de-sac and everything. The Huckleberry Lane job was a patch job.

Mr. Bethel said he did not finish Huckleberry Lane because it did not need it.

Mrs. Cox said we did a good section of Hogue Rd. that really didn't need it; but what is disturbing is to see black asphalt down in the middle of a really nice subdivision street and it is the aesthetics of it that is ruined and she doesn't blame the people for being upset. She told every one of them to call the garage. They said they had and the girl said it would take maybe a month before they could do anything about it. That is what the woman got on Westlake Drive and that is what the woman got on McDowell Rd. Then they called her.

Mr. Easley said he doesn't know anything about Barbara Lane and Mrs. Cox urged him to go out and look at it.

Continuing, Mrs. Cox invited Commissioners Willner and Borries out to see what we did on Daniels Rd. There is mud coming up through the pavement out of the side of the road. She said you go out Speaker Rd., turn onto Westlake and you follow it. We did

the whole area and it is very, very bad. She doesn't know whether the paver or a truck or what ran over one of the driveway tiles on the lower drive out there and it is all mashed in. So there is no drainage and there has been no attention to the shoulders or the drainage to prepare these roads before we put the surface down. As she mentioned (just like the bridge she brought up) we're treating the symptoms and ignoring the cause. We've said all along that base is important...

Mr. Bethel said, "We have graded the sides of the roads before we paved them, Mrs. Cox."

Mrs. Cox said she still asks that he go and look at it.

Mr. Bethel responded, "If I made a mistake on anything, I'll admit it. But I didn't make a mistake ..."

Mrs. Cox said, "The mistake, I think, was in the choice of materials you used to make the patch. I drove it and it is smooth."

Mr. Easley interjected, "That is as good a material as you can get..."

Mrs. Cox interjected, "I know, Andy, but how...."

Mr. Easley asked, "It is not color coordinated; is that the trouble?"

Mrs. Cox said, "That is right."

Commissioner Willner said "We'd like to have more of those complaints, wouldn't we?"

Mrs. Cox said, "No you wouldn't, if you lived out there. The people say it has devalued their property."

Mr. Easley said, "It will lighten out; it won't take that long for asphalt to gray and oxidize."

Mrs. Cox said, "Last week you reported you'd taken care of the problem on Kirchoff Blvd. (That's in the minutes of last week.)"

Mr. Easley said, "I don't know that they have the water channels behind the curbs sealed yet."

Mrs. Cox said, "Andy, I don't think that is going to help at all. It's a concrete street and I believe it was accepted in the early 50's sometime and I guess part of the approved thing was letting the downspouts go out into the street. We have concrete; last year we smeared it and then we put another pavement on it. You can't see some of the downspouts anymore; some of them maybe have only one or two inches sticking out; they are covered up. Where is that water going to go? The only place it can go is holding back behind our road; washing the road out and creating nothing but problems."

Mr. Easley said the individual home owners will have to be contacted. He and Lee Stuckey will do that -- to get them to change their downspout connections and get them over the top of the curb. Mrs. Cox is absolutely correct. But they didn't have time to do this prior to the paving.

Mrs. Cox asked, "Why didn't we have time?"

Mr. Easley said we have a paving program that has to be carried out and these people will be contacted to correct that. We had enough trouble getting rid of the water that was running.....

Mrs. Cox interjected, "You didn't get rid of it; it is still running across the road "

Mr. Easley said he is talking about the water down on Creamery Rd. that ran for years and years.

Mrs. Cox said water was running across Kirchoff when she was out there Friday.

Mr. Easley said there are springs out there and it is quite a project to find and isolate the springs.

Mrs. Cox said "What you're telling me is that our philosophy is to go out and lay down as many miles of pavement as we can and forget about the drainage and the base."

Mr. Easley said, "No, it is not. I didn't say that."

Mrs. Cox said, "That is just what you said, Andy. On a road paving problem we're going to pave it and then we'll take care of this later."

Mr. Easley said, "I am saying that we will get those downspouts over the top of the curb so they don't get underneath the pavement."

Mrs. Cox asked, "How much base do we have left under that road?"

Mr. Easley said, We have a concrete pavement; we filled the voids that were located and they did quite an extensive investigation to find those voids and we have a patching program out there with the work release people and we also have some patching in the contract.

Commissioner Cox said, "Well, whatever, you can tell there is pressure behind the curbing because they have all broken off and they are falling. Surely people haven't run upon them. She doesn't know what has caused this crumbling except the pressure and the build up of the water and the continuous deterioration.

Mr. Easley said the water has been acting on that road for many many years and the voids that have washed underneath it-- we had to locate them, break in the pavement and fill the voids. And we probably missed some of them. It's just like Melody Hills and Evergreen Acres. They are hard to detect; but he believes they got all of the obvious ones and"

Mrs. Cox said, "Well, during the next rain we will see..."

Mr. Easley said, "Water may come up in some areas."

Mrs. Cox said "Then the problem isn't taken care of."

Mr. Easley said, "No, it isn't; but it also isn't taken care of in Evergreen Acres or out in Melody Hills. But it is being attacked and we're trying to seal the area behind the curbs."

Mrs. Cox said, "But we're doing that after..."

Mr. Easley said "The road was in deplorable condition and people really needed a new surface on the road."

Mrs. Cox said, "That's true, because we smeared it last year and it didn't last."

Mr. Easley said, "It was an interim measure..."

Mrs. Cox interjected, "Yet, it was counted in the number of miles paved. So I just think we need to pay attention to the proper preparation of the road. Take LeMay Drive; we just approved that June 23rd. I invite you and the Commissioners to go out and look at LeMay Drive. And the storm drainage was approved by Mr. Bethel. There isn't any drainage. They are constructing along this street now and the mud is pumping up in one part of the pavement; some of it is crumbled along the edge at the top of the

hill. The driveway tile is all bent down. No water could run down the side of the road. There are runs down the side of the road -- not a drainage ditch. And here we have taken this over to accept it to maintain. I've been getting a lot of calls and I'm trying to follow through on them. I still think everybody measures our whole program in the number of miles of road surface that we can put down -- and do not pay a bit of attention to taking care of what we put down. People are getting very concerned about this and rightly so, I think.

RE: OLD BUSINESS

Commissioner Willner asked if there is any other old business for discussion at this time?

RE: Conflict of Interest

Commissioner Cox said, "The only other thing I have is that Mr. Easley promised to have some kind of report for me on this ethical, moral, or whatever you want to call it on the conflict of interest. I've waited three weeks and I haven't said one word and, Andy, I have heard nothing from you about how you plan to .."

Mr. Easley said, "I have almost completed structuring what I'm going to propose and this should perhaps be ready in another week."

Commissioner Borries remarked, "I can only say about that -- again if Mrs. Cox knows of anything that needs to be reported in terms of any ethical violations - have you reported these to the Prosecutor?"

Mrs. Cox asked, "What do you mean 'ethical' violations? Ethical violations aren't reportable to the Prosecutor. Ethical violations are there. We've argued that point enough."

Commissioner Borries said, "Well, I feel certain that Andy will continue to work through this. But, again, I am very concerned about his reputation as well as anything that would be reportable of any grand jury nature. I believe you owe it to the other Commissioners and the Prosecutor to turn it over as quickly as possible."

RE: SCHEDULED MEETINGS

The Chair entertained discussion concerning any scheduled meetings.

Wed. Oct. 1 6:00 p.m. Area Plan Meeting

RE: CLAIMS

President Willner said he has no claims to present for approval.

RE: EMPLOYMENT CHANGES

Circuit Court (Appointments)

Darrin F. Brombaugh	P.T. Intern	\$3.35/Hr.	9/9/86
James Bryan Nicol	P.T. Bailiff	\$3.35/Hr.	9/22/86
Paul Wollenmann	Guard	\$15.00/Yr.	9/22/86
Paul A. Miller	P.T.S.H.	\$5.00/Hr.	9/22/86
Joseph M. Schaefer	P.T.S.H.	\$5.00/Hr.	9/11/86
Rachel Maasberg	P.T. Bkkpr...	\$5.00/Hr.	9/22/86

Circuit Court (Releases)

James Bryan Nicol	P.T. Intern	\$3.35/Hr.	9/19/86
Jerome C Kissel	P.T. Intern	\$3.35/Hr.	9/5/86
Debra Hayden	P.T. Intern	\$4.50/Hr.	8/29/86
Donald Vowels	P.T. Bailiff	\$350.00/Pay	9/3/886

Paul Wollenmann	P.T.B.B.	\$5.00/Hr.	9/19/86
Paul A. Miller	P.T.B.B.	\$5.00/Hr.	9/19/86
Joseph M. Schaefer	P.T.B.B.	\$5.00/Hr.	9/29/86
Rachel Maasberg	P.T. Bkkpr.	\$5.00/Hr.	9/19/86

Election Office (Appointments)

Charlotte Shetler	Dep. Clk.	\$4.54/Hr.	9/22/86
Mary Lee Bassemier	Dep. Clk.	\$4.54/Hr.	9/22/86
Gerald Wohlhueter	Bal. Assem.	\$4.54/Hr.	9/22/86
John Lee Jones	Bal. Assem.	\$4.54/Hr.	9/22/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:30 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. L. Willner	Sam Humphrey	David L. Jones
R. J. Borries	(Chief Deputy)	
S. J. Cox		

COUNTY HIGHWAY COUNTY ENGINEER SHERIFF

Bill Bethel	Andy Easley	Clarence Shepard
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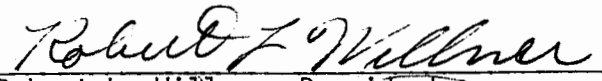
BUILDING COMMISSION EUTS


Roger Lehman	Rose Zigenfus
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AREA PLAN OTHER

B. Cunningham	K. Ryback, Atty.
	Clarence Gilles
	Nancy Walters/Pigeon Trustee's Office
	Steve Sherwood
	Al Umbach
	Richard Lythgoe
	News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 6, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 6, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of September 29, 1986 be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS/COUNTRY TRACE, PART 1

The Chair recognized Attorney Keith Wallace, who stated he is present to represent Summit Corporation. Summit Corporation is requesting waiver of sidewalks in Country Trace Subdivision, Part 1. He represented them when they had the property rezoned for subdivision approval. In fact, they were here a few months ago concerning drainage approval. The request for waiver of sidewalks is the only matter to be resolved before recording of the plat. President Willner asked if the subdivision is more than one mile outside the city limits? Mr. Wallace said the subdivision is located at the corner of Old Boonville Highway and Burkhardt Rd. It was subsequently determined that it would be close to one mile. Commissioner Willner then asked to see a map of the area. Mr. Sam Biggerstaff agreed to retrieve same.

Continuing, Commissioner Willner advised Sheriff Shepard that he neglected to realize that this is the first meeting of the month and the Sheriff was supposed to open the meeting.

Sheriff Shepard declared the Commissioners in session pursuant to adjournment. He subsequently informed the Commissioners that he would be in the basement if he is needed during the Commissioners' session. He is meeting with members of the Police Department concerning the computerized dispatch system.

Mr. Biggerstaff returned to the meeting and the Commissioners, Attorney Wallace, Mr. Biggerstaff and Mrs. Cunningham spent several moments reviewing map and discussing Country Trace Subdivision. The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the request for waiver of sidewalks in Country Trace Subdivision, Part 1, be approved, with a second from Commissioner Cox. So ordered.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

Mr. Bitz, Manager/Vanderburgh Auditorium, said he had not appeared before the Commissioners for some time now; he just wants to make a brief report to bring them up to date.

The income for 1986 at the Auditorium is \$124,822.02 as compared to \$122,566.18 in 1985. Thus, we're some \$2,500 ahead of last year to date.

Insofar as the utilities are concerned, usage is down over last year. Last year they used approximately 131,200 cu. ft. and for the same nine (9) month period in 1986 they have used 105,600 cu. ft. Thus, they have used about 25,000 cu. ft. less of gas in

1986, which is a remarkable savings. He thinks this can be attributed for the most part to energy saving techniques brought about by our heating and air-conditioning contract.

With regard to the capital improvements in process, nearly all of those are completed and they should be finished by the end of October. They saved some \$4,300 on the spotlights by trading in the old spotlights. They had originally estimated a new piano at \$5,000.00 and they were able to obtain the same for \$2,700.00.

The Chair entertained questions.

Commissioner Cox asked if this includes the utility usage for September? Mr. Bitz responded in the affirmative.

The Chair entertained further questions. There were none.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Robert Lee Smith: President Willner said that poor relief applicant Robert Lee Smith is seeking general assistance and the Pigeon Township Trustee's office says his income is over the limitations set by the Pigeon Township Trustee's guidelines for eligibility for said assistance. The Chair requested that Mr. Smith approach the podium.

Mr. Smith stated that his request has nothing to do with the Trustee's standard for eligibility. Under the law, food loss through burglary is to be replaced by the Trustee. He turned this into the Police Department and they have done nothing except tell him to file a claim in Small Claims (which he did). Small Claims Court postponed the matter until October 10th. His food was stolen by his own son. All he asked for was for the food to be replaced.

President Willner queried Mr. Smith concerning his address. He said he doesn't have a home.

Commissioner Willner asked, "So your son was keeping your food for you. Is that what you are saying?"

Mr. Smith replied, "No, he stole it out of my van. He and Judge Miller railroaded me to Welborn Hospital. When the police arrested me, handcuffed me and took me down there, they turned my van over to my son. I told them he would steal everything -- and he did."

Commissioner Willner asked, "Are you sleeping in your van? Is that what you are doing -- staying in it?"

Mr. Smith responded in the affirmative.

Commissioner Willner asked, "How many dollars were taken from your van while you were in the hospital?"

Mr. Smith said, "About \$900.00 worth of fishing gear I just purchased (I was headed for Alaska). There were five bags of groceries; there were 48 little bitty bars of soap and nine (9) bars of Aloe Vera soap; three 32-oz. jars of Listerine. (Why he would take Listerine, I don't know. He never brushed his teeth in his life.) All of this was reported to the Police Department. In fact, he took my title to that van, erased my name and put his name on it. Thanks to one of the officers down there I did get the van back. It has nothing to do with financial eligibility."

President Willner thanked Mr. Smith for his comments and asked that he be seated.

Commissioner Cox asked Mr. Smith what law he is citing?

He said it is out of publication entitled "You And The Law",

which he obtained from the Legal Services Organization. In fact, it says a lot the Trustee has to do which he hasn't asked for.

Commissioner Willner asked Mr. Smith why he was in the hospital?

Mr. Smith replied, "This time? My son said I could not take care of myself; that I was endangering myself and others and running downhill badly. Judge Miller said -- and I quote -- 'If you don't know it, last weekend he was out in Howell Park and brought in and locked up in jail for public indecency. So I'll just issue an order and put him in Welborn Psychiatric Unit'. I was not in Howell Park and I have not been indecent anywhere. That is all a lie. I'm not working because of the courts and Welborn Hospital -- they cost me my job."

Commissioner Willner asked Mr. Smith where he did work? He said he was employed at Sterling Brewery.

The Chair recognized Ms. Ruth Anslinger, case worker for the Pigeon Trustee's office. She said she did not talk with Mr. Smith when he came into the Trustee's office; Bill Goff did. He came into the Trustee's office. He has income of \$641.00 per month from Social Security Disability. At that time, he was given a referral to the Food Bank. He was in in June and another girl in the Trustee's office sent him to the Food Bank then. He told them he was on his way to Canada at that time. Again, because of the \$641.00 per month, there was nothing the Trustee could do.

Commissioner Borries asked, "What is the source of his income?"

Ms. Anslinger responded, "Social Security Disability. Because of this, he also would not be eligible for food stamps; his income is \$641.00 per month.

Mr. Smith interjected that his income from S.S.I. is \$646.00 per month.

The Chair entertained questions of Ms Anslinger.

Commissioner Willner asked her if the Trustee's guidelines shows 300.00 per month income limit for one (1) person? She verified that this is correct.

Mr. Smith interjected "We're talking about two entirely different things. This is not a matter of income; this is a matter of the law -- it was stolen."

Commissioner Borries asked, "Mr. Smith, would you agree at this point that it must be proven that it has been stolen? Isn't that what your court case is going to decide?"

Mr. Smith replied, "I have no idea what is going to happen in court. The last time I went there they postponed it until this month -- and it has been almost three months.

Commissioner Borries said "I can't doubt your word. But I am only saying that that is why we have courts -- to decide things like that. You say it was stolen -- and I don't know how we would know that. It has been reported. All we can do at this point is to take your word for that. But apparently there must be some question as to what did happen, because there is going to be a court case over the matter -- that is what I am saying.

Commissioner Willner asked, "Is there any family other than the son?"

Mr. Smith replied, "I have four sons and a daughter."

Commissioner Willner asked, "How many reside in Vanderburgh County?"

Mr. Smith said, "All of them."

Commissioner Willner asked, "Is the son who is supposed to have taken your belongings the oldest son?"

Mr. Smith said, "No, he is the third child; I hate to say it but he would have been better off had he dropped dead. He's just been that kind of a boy. He's twenty-six now and he's still that kind of a boy."

The Chair entertained questions.

Commissioner Cox asked, "Mr. Smith, your claim in Small Claims -- is it for the amount of the groceries?"

Mr. Smith said, "It is for everything."

Mrs. Cox asked, "And the groceries are included? The monetary value you are asking for in Small Claims, is part of that monetary value for the groceries that you lost?"

Mr. Smith responded, "It is for the fishing gear I lost."

Mrs. Cox asked, "Then you haven't filed in Small Claims for your groceries?"

Mr. Smith said "No, I filed that with the City Police."

Commissioner Willner said, "You need to follow up what she has said. The case has to do with the things you lost, such as the fishing gear, is that correct?"

Mr. Smith said, "Yes."

Commissioner Borries asked, "Have you been to the Food Bank at all, Sir? Did you go there?"

Mr. Smith said, "Yes."

Commissioner Borries said, "So you were served from that standpoint on an emergency basis?"

Mr. Smith replied, "I wouldn't call it an emergency. The law says it will be replaced because it was stolen. That is the law in black and white."

Attorney Miller said Mr. Smith is taking the law out of context. It is not the law in this context that this Board or the Trustee's office is required to reimburse him for a civil loss caused by someone else. It appears to me that what he is trying to do is recover monetary reimbursement from the Pigeon Township Trustee for a theft that was allegedly engaged in by someone else. Something that he still has the obligation to prove in Civil Court and I do not think this claim is appropriate. I think the Trustee's conclusion was exactly right under these circumstances.

Commissioner Willner interjected, "At least until the court case is decided?"

Attorney Miller said, "Absolutely, until the court case is decided; and even then I am not sure that the reference in that book can be taken out of context and that the Pigeon Township Trustee has the responsibility to reimburse him. It seems to me that he has to meet all of the other income requirements of the Pigeon Township Trustee before they have to anything for anybody. If he doesn't meet them -- he doesn't meet them. The Pigeon Township Trustee can't act as the insurer for everyone's food in the whole township. That is just not the way the law works."

Mr. Smith interjected, "That is what the law says though."

Attorney Miller said, "Well, Sir, I just don't agree with you."

The Chair entertained further questions.

Mr. Smith asked, "Might I come back in next month when you meet and I will bring that law from up there and let them explain it to you the way I have? It is the law."

Commissioner Willner said, "You certainly may come back and you may bring that with you. But wait for official action here before you leave. May I have a motion?"

Motion was made by Commissioner Borries that Mr. Smith's request be granted, with a second from Commissioner Cox.

The Chair said a motion has been made and seconded and he would ask for a roll call vote: Commissioner Cox, No; Commissioner Borries, No; Commissioner Willner, No. President Willner said the Commissioners will see Mr. Smith next month and he requested that Mr. Smith let the Commissioners know how the court case comes out. Does he have an attorney or he is representing himself?

Mr. Smith said he can represent himself; but he is going to bring "those" people down here with him.

Commissioner Willner asked, "From Legal Aid?"

Mr. Smith replied, "No, from Legal Services Organization -- in Riverside One Building?"

The Commissioners and Attorney Miller indicated that this would be fine.

RE: COUNTY ATTORNEY - DAVID MILLER

The Chair called upon Attorney Miller for his report. He said he has nothing specific to report. He has received a couple of claims during the past week which he has referred on to the county's insurance carrier. Neither involve the filing of a lawsuit at this time.

Continuing, Attorney Miller said he has an appointment with Attorney Keith Wallace to work on a residential construction builder's request concerning drainage. He will see if he can find something satisfactory to present to the Commissioners.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Work Schedule for employees at the County Garage for period September 29 thru October 3, 1986.....report received and filed. Attached to the report was the following Work Schedule:

Gradall: Schillinger Rd., Peacock Lane and Mill Rd.

Paved: Booker Rd.

Patched: Booker Rd., Kleitz Rd., Baseline, Owensville, Bromm, Oak Hill Rd., Hitch-Peters, Old Lower Mt. Vernon and Kuebler Rd.

Grader: Booker, Schmuck, Motz, Goebel,, Seib, Kissel, Wright, Motz Lane, Lynn Rd., Green River Rd. and Schillinger.

Trash: S. Weinbach, Green River Rd. and Lynn Rd.

Rocked: Green River, Weiss, Mann, Young, Motz Lane, Motz Rd., and rocked shoulders on Booker Rd. and Old 460.

Cut

Bleeders: Upper Mt. Vernon Rd., St. Joe Avenue (east side and north side).

Work Report/Bridge Crew: Also submitted for the same period was the Work Report for the Bridge Crew....report received and filed.

--Sandblasting and painting bridge on Green River Rd.

--Repaired culverts on the north, east and west sides of the county

--Repaired guard rail on Little Schaefer and Cochise

--Rip-rapped on Baseline Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Paving Program: Mr. Bethel said that a couple of weeks ago he promised to advise the Board where we stand on the paving program. He and Mr. Easley got together and figured out what had been spent and what is needed. Somehow or the other, one of the County Council members found out about it and suggested that he come on down to the County Council and request the needed additional appropriation at last week's meeting. To finish our part was \$45,000 plus some transfers around in his own budget, which they did. Thus, not only can we finish what we started but they also put one more road on the list (Walnut Rd.). Mr. Bethel presented copies of a Projected Figure Sheet to the Commissioners. He said that, with the Commissioners' permission, he would like to begin preparing the roads for paving and finish the road surfacing.

Commissioner Willner asked, "You're going to do Schillinger, Heinlein, Walnut Rd., and Fischer Rd. You don't have enough to do Bromm Rd., do you?"

Mr. Bethel replied in the affirmative. He said we needed \$62,000. Council gave him \$45,000; he had the rest and transferred it; thus we should have enough to do the whole thing.

Commissioner Willner said he sees no problem with that. He entertained questions from the other Commissioners.

Commissioner Cox said she has a question on Ashwood. She had it down that we paved Ashwood 5/21 with hot mix base coat. She has a letter dated September from an individual who wrote on behalf of several of the neighbors who live on Ashwood Drive. The street is in grave need of repair. Some work seems to be in progress. Is Ashwood complete or are we going to finish it up? What is the status?

Mr. Bethel said he will have to check on this.

With regard to Heinlein Rd., Mrs. Cox said she had asked quite some time ago (she was out there and saw where some paving had already been done) -- but she doesn't see it show up on...

Mr. Bethel said, "On Heinlein Rd., when they finished Whetstone Rd., they had approximately two (2) loads left. Rather than just take it back, they went over there themselves and put that on there. This is just an area we were able to pick up.

Commissioner Cox said she has a note dated August 18th and she talked to Mr. Easley previously re Heinlein Rd. and he was doing some engineering work on that to see if it could be widened. Does he have that all completed now? He said on August 28th that he would try to conclude the engineering that week.

Mr. Easley reported that the office planning is finished; but he has to go back to see the home owner again re negotiations for right-of-way on the east end. They are going to try to widen the asphalt a little more to see if they can make it so two cars can pass. Mrs. Cox interjected that if they could also flair it a bit where it enters onto Petersburg Rd.? She thinks this would also help.

RE: AREA PLAN COMMISSION - N. GREEN RIVER RD. IMPACT STUDY

Mrs. Cunningham said she has a synopsis which says, "The North Green River growth management report examines the impact of extensive growth on sound development of the area. If we do not plan prior to development, growth will occur in a haphazard and piecemeal fashion, resulting in traffic congestion, excessive curb cuts, inadequate transportation network, poor drainage and inadequate sewer and water capacities. This report is intended to provide information and serve as a policy guide to assist decision makers in land use decisions." Mrs. Cunningham said the report is arranged to include sections; there is an introduction, a review of existing conditions, a review of future plans, and a summary of recommendations. The major policy recommendations include construction of roads as adopted by the EUTS Policy Committee, the extension of Lynch Rd., Spring Valley Rd. and Cullen Avenue. Minimize curb and median cuts; use frontage roads whenever possible; obtain developers' financial participation through extending roads with their cooperation and reserving land for planned transportation. It is to guide growth and development so as to be compact and contiguous and efficient. This will, we hope,, minimize future urban problems, such as traffic congestion, etc., etc. It was mentioned in the report that commercial development should not be encouraged north of the Lynch Rd. area until the areas to the south are substantially developed. This was a suggestion. The area in Lynch Rd. and north of that is still the interpretation of the Plan Commission and the Commissioners. Mrs. Cunningham said, "We also spoke to the establishment of a general land use plan, which will include commercial and service activities within the immediate Green River Rd. corridor and other major roads and intersections and multi-family apartments and more industrial, commercial and service behind that and areas for manufacturing and wholesale activities should be reserved. And we spoke that single-family residences and agricultural uses should be located in part of the (?) area. Basically what the report should say is that growth will happen -- let's look at it. I think the report was a condensation of what has been happening. This shows you the whole area and how growth is happening; what we need to do in utilities; we need to do in road plans, etc. " Mrs. Cunningham concluded by entertaining questions.

Commissioner Willner expressed appreciation to Mrs. Cunningham for the report and said he believes the Commissioners need to study same. There might be a time thereafter that they will have questions.

Commissioner Cox indicated she has a couple of questions on the report. She does appreciate Mrs. Cunningham's putting this together. She came down six (6) weeks ago and Joe Ballard drew up something like this for her. She is very concerned about how rapidly the area is growing. On Page 15 of the report, they show a frontage road on the west side of Green River Rd. (Mrs. Cunningham said that is undeveloped property at this time.) In response to query from Commissioner Cox. Mrs. Cunningham said the other side of Green River Rd. has already been rezoned. She said the area of Green River Rd. south of Spring Valley has been limited to one (1) curb cut so they will have an opportunity to see it again. South of that is Mr. Hatfield's ; and south of that is apartments, churches, etc.

Commissioner Cox said she notes they speak to the realignment of Theater Drive. (Mrs. Cunningham said this is part of EUT's Transportation Plan.) Mrs. Cox noted that this was to be done by

the developer of the property (Sam's Wholesale) and the Board hasn't had an update on that. She thinks the other point -- she has asked for a thoroughfare setback ordinance on Green River Rd. -- Burkhardt Rd. isn't that far from Green River and she thinks we should be looking at that road north of Old Boonville Highway and the potential for development into that area.

Mrs. Cunningham said there is a thoroughfare setback on Burkhardt Rd., but she isn't certain just what it is.

Mrs. Cox said she thinks we really need to protect those corridors.

On Page 8, she believes they refer to Hirsch Rd. as a major road. (Mrs. Cox cited lines from the report). Hirsch Rd. is the one with the real bad bridge on it and

In response to query from Commissioner Cox, Commissioner Willner queried her about her comments re bridge on Hirsch Rd.

Mrs. Cox asked, "Isn't that the one that is in bad shape?"

Commissioner Willner asked "That's a brand new bridge, isn't it? Heckel Rd. bridge is the one that is bad."

Mrs. Cox said she believes Commissioner Willner is correct.

There were additional comments concerning Burkhardt Rd., but they were completely inaudible.

The meeting continued with Mrs. Cox stating that the other thing she thinks deserves the Commissioners' immediate attention is Page 17, where it talks about the utilities -- and especially the sewers in the east side area. They are very near or at capacity at this time and she thinks we really need to get something started here.

Mrs. Cunningham said they worked with the Utility Board on this report

Commissioner Cox said the report shows that growth is not going to be able to happen unless we build a new sanitary sewer station out in that area -- and it is just going to have to happen before we put on any development out there. She said that if this is going to be a developing area, she feels that we should make sure that the setback we have on line now is adequate. If not, we need to get it adjusted now, before the development occurs.

Mrs. Cunningham said we reviewed the thoroughfare on this two or three years ago and at that time we adopted newer and lesser amounts....and got it down to a realistic figure so there wouldn't be so many applications for variances. Requests for variances on thoroughfare setbacks are almost non-existent now.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Streets: Mr. Easley said we've had requests to accept streets that have been paved in two of Bud Bussing's subdivisions: Brookview - Section C and Section D. They were inspected during construction and he and Bill Bethel gave both sections a final inspection about two weeks ago. The streets are paved with concrete; they have very fine joints in the pavements and they have been sealed. Following the recent rain there has been some silt on the streets; but they seem to be properly constructed and it is his recommendation that they be accepted for county maintenance.

Mrs. Cox queried Mr. Easley concerning the street width. He responded that he believes they are 29 ft. back-to-back, but he'd have to get his street plans to verify this.

Mrs. Cox said the reason she is asking is, it is important to keep an update on our roads. If we're going to accept them we need to know the width of right-of-way and the original width of the street that was put down. She believes she has mentioned this several times previously.

Mr. Easley said there is a 50 ft. right-of-way; and he will be glad to step down to his office to verify the width of the pavement. There are two 12 ft. lanes plus rolled curbs and gutters. These are the same type of streets as they have in Eastland Estates.

The Chair entertained questions.

Mrs. Cox said this was her only question. Some of these roads that have been re-paved have been more narrow than the original pavement and it has caused us some concerns. She thinks if we have this documented when we first accept the streets, then we can make better judgments when we have to do anything. She asked if she understood Mr. Easley to say he personally was there during construction?

Mr. Easley said that he and Lee Stuckey checked the concrete.

Mrs. Cox said, "I thought you said you and Mr. Bethel."

Mr. Easley responded, "No; Mr. Bethel and I gave it final inspection for quality of finish etc."

Mrs. Cox said "And you were there during the construction when the materials -- just like it says on our road and street plans, 'a registered engineer will perform the necessary inspection of this project during construction to insure that all materials and methods are in accordance with the plans and specs?'"

Mr. Easley stated that he was.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the streets and storm drainage in Brookview Subdivision Sections C and D be accepted for maintenance and the records forwarded to the Indiana Department of Highways for their record keeping and reimbursement, as follows:

<u>Section C:</u>	Brookview Drive	940 ft.
	Brookview Court	<u>285 ft.</u>
		1,225 ft. = 0.23 miles
<u>Section D:</u>	Brookview Drive	550 ft.
	Lakebrook Drive	485 ft.
	Cheekrun Court	<u>545 ft.</u>
		1,580 ft. = 0.30 miles

Commissioner Cox queried Mr. Easley concerning the storm drainage. He said the inlets are drained by pipes within the right of way, he believes, and they flow down to a major culvert and thence to a lake which is incorporated into the project. With regard to any pipes within the right-of-way, he believes it is our policy to take care of those. Commissioner Willner concurred.

A second to the motion was provided by Commissioner Cox. So ordered.

Claim/Morley & Associates: Mr. Easley presented a claim to Morley & Associates in the amount of \$2,392.92 for administrative work in August on Burkhardt Rd. He talked with Lee McClellan and he sort of assured him that this project is being "put to bed".

Mrs. Cox asked whether we have yet moved the utility poles?

Mr. Easley said we have not. Mr. Gulick of SIGECO has not yet given us a final cost estimate.

Mrs. Cox said, "Then the project can't be put to bed yet."

Mr. Easley responded that this is outside what Morley is doing. It would be between the county and SIGECO to move those poles. However, Mrs. Cox may be right and it may require some construction. But he does think most of the administrative work and paperwork is about finished.

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

Proposed Policy for Review of Subdivision Street Improvement Plans: Mr. Easley said that last week he indicated he would prepare a proposed policy so the County Commissioners could invoke same for the review of subdivision street plans that might happen to be prepared by the firm that Mike Fitzsimmons is managing for him (Andy Easley Engineering). He proceeded to distribute copies to the Commissioners. He said the proposal has been reviewed by County Attorney David Miller, and it creates a third party to review these plans to insure that they meet county design standards. The proposal was as follows:

Proposed Policy For the Review of Subdivision Street Improvement Plans that the County Highway Engineer cannot or does not want to review for conformance to Vanderburgh County Street Design Standards.

- 1) The Vanderburgh County Board of Commissioners selects a private consulting civil engineer to review the street improvement plans.
- 2) The private consulting civil engineer reviews the subdivision street improvement plans for conformance to Vanderburgh County Street Design Standards.
- 3) If the reviewing consulting civil engineer requests any revisions or additional items on the plans, the plans are returned to the firm or engineer that prepared them for said revisions to be made, if the County Commissioners agree that said revisions are needed.
- 4) When the private consulting civil engineer reviewing the street plans is satisfied with the content of the plans, the reviewing engineer shall sign the improvement plans in a designated location and certify that the plans conform to Vanderburgh County Street Design Standards.
- 5) Any compensation required by the private consulting Civil Engineer for the services so rendered shall be borne directly by the County Highway Engineer, individually.

Commissioner Willner asked that Mr. Easley give the Commissioners an opportunity to review the proposal. He then entertained any questions from the Board.

Commissioner Cox said she believes Mr. Easley was to give a report on some items.

Schlensker Rd. Problems: Commissioner Willner said he believes this concerned a washout on Schlensker Rd. Mr. Easley said he does not recall being asked to check a washout problem. He remembers comments about LeMay, McDowell Rd., Delaware, etc.

Mr. Bethel said he will check on this.

McDowell Rd.: Mrs. Cox asked if Mr. Easley had an opportunity to take a look at McDowell Rd.?

He responded that he did. The road was measured for resurfacing and he was advised by the individuals who did the field measurements that we did put 14 ft. Near Streuh-Hendricks for the first 200 ft. there may be one foot of old rocks showing on the sides of the resurfacing and we could put some rock shoulders there. But once you get further than 200 ft. up the hill away from Streu-Hendricks, they have put about all the travel way they can put in there on the resurfacing. They did a very fine job. There may be two inches of resurfacing off to the side where the asphalt resurfacing stops and there is a slight edge on the asphalt; but if they get off to the side, they are going to be in the tiny ditch that is there and it may be that perhaps McDowell needs some rock shoulders wherever possible if it won't fill the ditch with rock for the length of it. He and Bill Bethel said they would go out to determine if it is possible to do this. He looked at Streu-Hendricks, McDowell and the streets off Speaker Rd. and he thinks they have done a superb job of repaving.

Commissioner Cox said she has no question concerning the repaving. It's what the paving is going down on.

Mr. Easley said it is going down on solid material.

Mrs. Cox asked if he did not notice the mud coming up along the edges on Daniels Drive?

Mr. Easley said he did not.

Mrs. Cox said there are some big drop-offs along there. And why didn't they do mailbox and driveway approaches on those areas?

Mr. Easley said every place he looked they did do the aprons for the mailboxes and driveways. Mrs. Cox said she will drive it again.

RE: THOROUGHFARE SETBACK - BURKHARDT RD.

The meeting proceeded with Commissioner Willner asking Mrs. Cunningham to report on the thoroughfare setback requirements on Burkhardt Rd.

Mrs. Cunningham reported that on May 14th the Commissioners adopted a thoroughfare setback plan. On Burkhardt Rd. from Morgan Avenue to Olmstead it is 60 ft. (which will give us four lanes plus). It is 609 ft. from the centerline on both sides, so that gives us 120 ft., which is more than enough for four lanes.

On Burkhardt from Lincoln Avenue to Morgan Avenue, it is 70 ft. thoroughfare setback. From Morgan to Olmstead is 60 ft. thoroughfare setback. In response to query from Commissioner Cox, Mrs. Cunningham said the right-of-way is included. A thoroughfare setback is from the centerline (including 35 ft. right-of-way) and then a 25 ft. building line. So from Morgan to Olmstead is a 60 ft. setback from the centerline. This would give us four lanes, a turn lane and then some. The roads are usually 13 ft. wide.

The meeting continued with Mrs. Cox asking Mr. Easley if he checked LeMay Drive?

He said he did and saw one little ripple where a heavy truck (he suspects it was a concrete truck) pulled out of the property where they are building a new house and crushed the edge of the asphalt. That is the only thing.

Mrs. Cox said "Well, you go up the hill and around the curve at the top -- and the whole pavement on the west side is all crumbled."

Mr. Easley said he didn't see that. In response to query from Commissioner Willner, he said this was done by Rudolph for Mel Lutterbach. The base was checked before it was paved and he and Mr. Bethel gave it a final inspection. Mr. Willner asked how long ago that was? Mr. Easley said it was paved in early spring or summer. Mr. Willner said there is a year's guarantee on it. Maybe Mr. Easley will want to check that.

Mrs. Cox queried Mr. Easley about the drainage.

He responded that that is a private culvert. Again, some truck going in and out (building that private residence) crushed the end of the culvert....they cut the corner too short. That is a private culvert.

Mrs. Cox asked, "Isn't that in our right-of-way? We have a 50 ft. right-of-way."

Mr. Easley said it is in our right-of-way and he will contact the owner and have him repair it. He's never even seen the house. He doesn't go out there every time they pour a foundation -- and they do all kinds of things going off a right-of-way when they're building a house.

Mrs. Cox said, "There are no side ditches along the road."

Mr. Easley replied, "I beg your pardon -- there are side ditches."

Mrs. Cox said "Well, Andy, they are all rugged."

Mr. Easley said, "They were graded, Shirley."

Mrs. Cox: Well, if they were done -- then they were just done this week. O.K."

Commissioner Willner said, "Andy I went out and looked at most of Shirley's complaints. I do find the one on Delaware-Columbia Overpass. Are you going to re-do that again with epoxy?"

Mr. Easley said there is apparently a patch that became unbonded.

Commissioner Willner said "More than one; I'm not an engineer -- but I don't think it is going to hold.

Mr. Easley said, "I don't think they did the curb. I saw something where it looked like it broke...."

Mr. Willner said, "In my opinion it is not going to hold. You're going to have to cut those places."

Mr. Easley said, "The traffic was too heavy. Normally I'd park underneath it and walk up above. But I was coming back from the west side and I will admit that I did not get out and examine it closely. I will, however, do that."

Commissioner Willner said, "I don't believe epoxy is going to hold that. The floor, it might; but not the side."

Mr. Easley said, "Epoxy resins will bond fresh concrete to old concrete; but you have to have it formed -- and I'm not sure..."

Commissioner Willner said, "You can't block them, because you're in a roadway -- unless you...."

Mr. Easley said, "No no, I'm talking about on the side of the curb. They will have to form a patch and I suspect the epoxy got too hard if it came loose. But I will follow that up. I noticed they had some resin in some chuckholes that didn't have any concrete in them."

Mrs. Cox asked, "Isn't that epoxy quite expensive?"

Mr. Easley said it is very expensive -- probably \$50.00 per gallon and you use it very judiciously; and you paint it like you would paint Karo syrup in the bottom of the chuckhole and then you bond the concrete. I told them they have to get all the holes clean and dry and free of oil and then they have to get their concrete ready and mix the resin -- and you have to do it in a hurry, because the resin has a pot life. You only mix up what you need and have the concrete available -- and he is not sure what happened.

Mrs. Cox asked, "What does the inspector say about it?"

Mr. Easley said, "I'm not sure he was there full time; he has been watching them very closely and carefully -- but somebody got in a hurry. At least the hole is sealed with resin so that salt water can't get into it and penetrate the reinforcement. That is good. They can clean the resin give it another coat of epoxy resin and bond it to the old resin. But we will correct the problems there. It's a rather simple repair, but they have to have everything ready; it's just like baking a cake. You have to have everything there and do it in proper sequence."

Mr. Gulick entered the meeting and President Willner said the Board might want to inquire about the poles on Burkhardt Rd. Was there something he needed to do?

Mr. Gulick said he will try to have an answer for the Board this week concerning cost estimate. And, we need to try to acquire some easements.

RE: TRAVEL REQUEST

President Willner said that County Coroner Charles Althaus called him re traveling to Indianapolis for a professional autopsy on Jack Spraatt. He gave Mr. Althaus his permission since they were in a hurry. Mr. Althaus was ill and couldn't be here today.

RE: PROPOSALS ON LYNCH RD. EXTENSION

It was reported by President Willner that his continued efforts to reach the Warrick County Commissioners re the decision of the Vanderburgh County Commissioners concerning proposals on Lynch Rd. Extension have been unsuccessful. He finally abandoned the idea of reaching them and left a message for them to call him. To date, he has not heard from them. But they do know what the decision of the Vanderburgh County Board of Commissioners was.

RE: TREASURER'S REPORTS

Commissioner Willner presented the Treasurer's Interest Report for period through October 3, 1986.....report received and filed.

Also submitted were the Treasurer's Monthly Reports for July and August.....reports received and filed.

RE: ACCEPTANCE OF CHECK

A check was presented in the amount of \$1,703.00 from the Auditor of the State of Indiana for reimbursement for college work study program/Burdette Park. The Chair entertained a motion.

Motion was made by Commissioner Borries that the check be accepted, endorsed and deposited in the County General Fund, with a second from Commissioner Cox. So ordered.

RE: BUILDING COMMISSION - REQUESTS FOR HOUSE MOVES

The Chair recognized Mr. Jim Lindenschmidt, who advised that Roger Lehman, Building Commissioner, could not be present today because of a prior commitment. He asked that Mr. Lindenschmidt present requests for(3) house moves in his behalf, as follows:

Tax Code #5-100-10	From: 2008 Polaris Ave.
Tax Code #5-100-20	To: 2008 Capella Drive

The request is from Marty Girten and the approximate date of the move is 10/15/86.

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

Tax Code #4-93-8	From: 1930 Audubon Drive
Tax Code #2-418-7	To: 7701 Oak Hill Rd.
Tax Code #4-111-3	From: 2048 Eastland Drive
	To: Hawthorne & Cass
Tax Code #4-111-1	From: 2060 Eastland Drive
	To: Hawthorne & Cass

Mr. Kabrick of Elmer Buchta advises that lot numbers at the new location will be provided when foundation permits are obtained. These houses are being relocated for I-164.

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

Also submitted was the monthly report from the Building Commissioner for September 1986....report received and filed.

RE: CLAIMS

Kevin Winterheimer: A claim in the amount of \$120.00 for services pertaining to Larry Weatherford matter was presented. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

The Chair entertained matters of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wed.	Oct. 15	5:30 p.m.	Indiana Association of County Commissioners Mtg. (K of C in Jasper)
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RE: EMPLOYMENT CHANGES

County Highway Department (Releases)

Arthur W. Baker	Part Time	\$3.35/Hr.	9/26/86
Steven Brown	Part Time	\$3.35/Hr.	9/26/86
James Josey	Part Time	\$3.35/Hr.	8/29/86
Robt. E. Culver, Jr.	Part Time	\$35.00/Day	7/8/86

County Board of Review

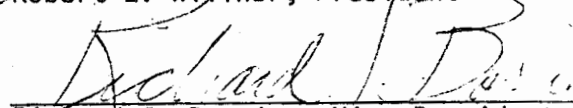
Terril S. Hall	Secretary	\$35.0/Day	9/9/86
Maxine F. Ginger	Secretary	\$35.00/Day	9/19/86
Wm. J. Browning	LBM	\$45.00/Day	9/19/86
Paul L. Batts	LBM	\$45.00/Day..	9/19/86

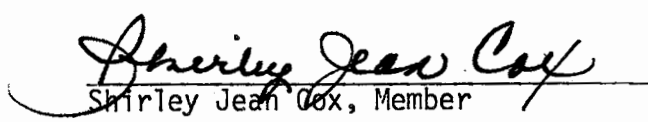
There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries S. C. Cox	Sam Humphrey (Chief Deputy)	David L. Miller
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>AREA PLAN</u>
	Andy Easley	Bill Bethel	B. Cunningham
	<u>AUDITORIUM</u>	<u>SHERIFF</u>	<u>OTHER</u>
	Kim Bitz	C. Shepard	K. Wallace, Atty. Robt. Smith Ruth Anslinger

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 13, 1986

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MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 13, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 13, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently requested that the attendees stand for the Pledge of Allegiance to the Flag. He asked that Commissioner Cox lead the Pledge:

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands; one Nation, under God, indivisible, with liberty and justice for all."

The meeting resumed with President Willner entertaining a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of meeting held on October 6th be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: LEAH SUBDIVISION

The Chair recognized Mr. Del Cato, who stated he was present for purposes of representing Mrs. E. K. McLaughlin (who is ill and could not be present today) concerning Leah Subdivision.

Mr. Cato said we seem to have a problem of communications. He doesn't think there is necessarily a lack of communications, but it seems we have a "refusal" of communication. This property owner has written to this Board a number of times, particularly since 1983 to the present time. It is his information that she has written at least three times and, possibly, four times. She gets no response. She is asking that this Board see to it that a drainage problem which is causing damage to her private property be corrected. She has been promised that this damage will be corrected; but a promise is all she's got.

There is a subdivision across the road from this property owner called Leah Subdivision. There is some evidence that there were some remonstrators in this matter. Then it is his understanding that one of the provisions for this subdivision to proceed was that the owner of the subdivision was to enlarge and reconstruct the existing ditch that runs along Bergdolt Rd. west to the large ditch called Sonntag-Stevens. The evidence is that this ditch has not been constructed. As a matter of fact, it has been obstructed. It has been partially covered over by concrete. In addition to this, somebody having to do with this subdivision has broken into a sanitary sewer to drain part of the rain water off into this sanitary sewer. In connection with this he'd like to ask a question. Who authorized this builder to ignore the construction of this ditch that would relieve the damage to this property? He is told that the Vanderburgh County Highway trucks have hauled fill dirt and dumped it into this subdivision. A question concerning that is, "Who authorized the trucks to haul the dirt and where did they get the dirt? And whether or not they were authorized? Or whether the truck drivers were out on a frolic of their own and doing it for themselves?

The third item in this matter has to do with a road called Tanglewood Drive. A report from the County Engineer to the Area Planning Commission sets out that Tanglewood Drive is a private drive. And it also goes so far as to say that the ditch

alongside Tanglewood Drive does not exist. Just what that meant, he does not know. But he does know that Tanglewood Drive running alongside this subdivision has been paved by the Vanderburgh County Highway Department with highway trucks, highway machinery and highway materials. The question concerning Tanglewood Drive is, "Who authorized this? And when is the Board of Commissioners, the Drainage Board or Area Planning Commission -- or whoever has charge of this matter -- when are they going to relieve this drainage situation that is damaging this lady's property? I further ask that this Board recognize that this lady has written to this Board a number of times. Or, shall we go back and document that via the records of the County Engineer and the Area Plan Commission?" Mr. Cato said they would like to have something in writing from this Board by their next meeting.

Commissioner Willner asked who owns Leah Subdivision?

Mr. Cato said, "You're asking me? You know, I might ask you the same question. The owner is Doug Riley?"

Mr. Cato asked, "You don't know him? Mr. Willner responded, "I don't think so."

Mr. Cato asked, "How many times have you told me straight out that you were going to take care of that situation."

Mr. Willner asked, "You mean the drain on private property?"

Mr. Cato said, "Yes."

Mr. Willner said, "No, I never have."

Mr. Cato said, "No, you told me how to take care of it. But, you see, I misinterpreted you. I thought you said you were going to take care of this private lane. But you took care of Leah Subdivision. That's all, except that I request that we have an answer to the question -- and when are you going to correct the situation? Or, will it be necessary for me to call your attorney for that?"

Commissioner Cox said she has a question for purposes of clarification. "Did I understand right that Tanglewood was paved? That it was paved in such a way that..."

Mr. Cato interjected, "Instead of them grading the road so that the water would run in the ditch, it is paved in such a manner that the water just turns loose (the engineer mentioned this in his report) and runs across the road. It is a condition that he thinks could use a little common sense. If they are going to use the taxpayer's money to pave a private drive (for whatever reason they did) he would think they could use some common sense in their approach to the construction of the road and he still requests that they have an answer to these problems, particularly if they are going to refuse to correct the problems which are damaging this private property.

Commissioner Borries asked Mr. Cato how long this has been going on?

Mr. Cato said he knows it has been going on since 1983. He picked up some copies just awhile ago from the Area Plan Commission. Ms McLaughlin wrote to them in 1981 -- that's five (5) years ago.

Commissioner Borries asked if she wrote prior to that? She's lived out there a long time. Under the republicans, she was a former Justice of the Peace.

Mr. Cato said, "She's an outspoken republican and it just might be -- I wonder at times -- if that's had any bearing on the matter."

Mr. Cato continued by presenting copies of correspondence - dated 1981.

Mr. Borries asked, "She didn't write before that?"

Commissioner Cox said she does recall when this subdivision came up for drainage approval that the Board did discuss it quite thoroughly and there were certain things to be done on the part of the county and on the part of the developer. She thinks the county went out and did some ditching work or something like that; but it would seem that perhaps the developer hasn't held up his end of the bargain.

Mr. Bethel commented that the county did their part.

Mrs. Cox interjected, "Mr. Bethel, I did say that I was under the impression that the county did do some ditching. But the paving and letting the water run onto the adjoining property -- I think we need to look at that. I think we did pave that and if I recall, Tanglewood was a big question mark as to whether it was or wasn't accepted."

Commissioner Borries commented that there was a rezoning denied in there. It was then built into single dwellings. Ms. McLaughlin has lived out there for twenty years or more? This is why he was asking Mr. Cato whether he had anything back prior to 1981.

Commissioner Cox said, "When we moved on Red Bank in 1959 we didn't have any drainage problem, because this was a big apple orchard. Now it is built up and we get water poured on it. When you get development occurring, problems worsen."

Commissioner Willner said, "They certainly do."

Mr. Cato said the problem may have been there prior to the subdivision; but it has been worsened by this subdivision. And we're asking that it not be made worse.

Commissioner Cox said she was under the impression that the drainage plan would help alleviate this problem, if she recalls correctly.

Commissioner Borries said "That's right. And we have done some ditch work out there."

Commissioner Cox said the water from that area goes into Sonntag-Stevens.

Commissioner Willner said the Board will have to settle the Leah Subdivision matter at a later time. There are some questions. He believes the county records reflect that there are four sections of Tanglewood, which amount to .34 miles. Thus, he is not sure just exactly where Mr. Cato was talking about. He was talking about a private drive and the County Highway Department. He asked Mr. Bethel where they put the dirt when they did the ditching?

Mr. Bethel said they put it up on the subdivision.

Mr. Willner said that might answer the question as to where they got the dirt. Other than this, Mr. Bethel knows of no other dirt hauled there? Mr. Bethel responded in the negative.

Commissioner Willner asked that Mr. Lindenschmidt follow up and see what has transpired. Determine whether the subdivider needs to follow through or whether the county does?

Commissioner Willner asked Mr. Bethel where the dirt came from?

He responded that it came from the ditch they dug.

Mrs. Cox asked, "No other dirt was hauled in?" It all came out of the ditch they dug?"

Mr. Bethel said that is correct. We dug a pretty good sized ditch.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

Mr. Bitz announced that there will be an Auditorium Advisory Board meeting tomorrow (October 14th) at 4:00 p.m. on the mezzanine.

Proposed Advertisement for Consultant: Mr. Bitz distributed copies of proposed advertisement for consultant, as discussed during the past few months. He has talked with Tom Dorsey in Purchasing and the procedure for this will be to place two notices in newspaper at weekly intervals. At that point, we will review the proposals received and make a recommendation for consultant to study the facility.

Commissioner Willner asked Mr. Bitz how much money he has available?

Mr. Bitz said they have \$2,500. He is also going to state this in the notice that we have a maximum of \$2,500 to spend. We already have three firms who are interested (all from out of town). He thinks it would be well to go ahead and get this notice published so we can give local firms an opportunity to submit proposal.

The Chair entertained questions of Mr. Bitz.

Commissioner Cox asked if the Advisory Board recommended that we have a consultant?

Mr. Bitz responded in the affirmative, stating that this was part of the funding back when they received the \$35,000.

Mrs. Cox said she understood Mr. Bitz to say at the last meeting that his improvements were all made. She guesses that was just a section of the improvements.

Mr. Bitz said, "All of them were made but...and he had a list of those not completed, which he stated orally."

Mrs. Cox asked if the study is to enlarge the auditorium?

Mr. Bitz said the first item is to study the present lobby and restroom space in relationship to volume of people and handicap accessibility.

Also, while they're doing the study we're looking at possible expansion of seating capacity and we will have to bring up the entrance and exit areas to code if we do that.

Also, improvement of the lighting system in the facility, improvement of orchestra pit covering and possible expansion of banquet facilities and modernization of kitchen facilities and modernization of present loading facilities. They just felt that while we were having the study done they might as well include as much as possible. At least we'd have some figures to look at once the study is completed.

Commissioner Willner asked, "County Council did put that money in your budget and it is for this year yet?"

Mr. Bitz responded in the affirmative.

The Chair entertained further questions.

Commissioner Borries said, "Kim, I suspect you'd be doing this probably for budget year; once the study is ongoing and undertaken, any recommendations would be made to County Council in 1987?"

Mr. Bitz said this is correct. All capital improvements are delayed until that time anyway.

Open House: Mr. Bitz announced that the Auditorium is going to hold an Open House on Wednesday, October 29th, from 11:00 a.m. until 6:30 p.m. Anybody and everybody is invited to attend, to see what has been accomplished to date.

RE: REQUEST TO WAIVE SIDEWALKS - MORLEY & ASSOCIATES

Bluegrass Farms Subdivision: President Willner read the following letter from Morley & Associates:

"October 7, 1986

Board of County Commissioners
Room 305 Civic Center Complex
Evansville, IN 47708

Re: Bluegrass Farms Subdivision
Our Project #86-1203-1A

Dear Board Members:

On behalf of Daniel and Debra Buck and Philip David Johns, owners of record of Bluegrass Farms Subdivision, located on the north side of Hillsdale Road approximately 1,494 feet east of Highway 41 North, we are hereby requesting that construction of sidewalks within this development be waived. The reason for this request of waiver upon the low density of the proposed development and the surrounding area.

Respectfully submitted,

Danny Leek, L.S.
Project Engineer

cc Dan Buck
Andy Easley, County Engineer

Subsequent to Commissioners' review of map, the Chair entertained a motion. Motion was made by Commissioner Borries that the request be granted, with a second from Commissioner Cox. So ordered.

The meeting proceeded with Commissioner Willner reading the second letter from Morley & Associates, as follows:

October 8, 1986

Board of County Commissioners
Room 305, Civic Center Complex
Evansville, IN 47708

Re: Simmons Subdivision
Our Project #86-1273-4

Dear Board Members:

On behalf of Hughes A. Simmons, owner of record of Simmons Subdivision, located on the east side of Hogue Road approximately 3600 feet south of its intersection with Upper Mt. Vernon Road, we are hereby requesting that construction of sidewalks and curb and gutters within this subdivision be waived. The reason for this request of waiver is based upon the low density of the development and the surrounding area.

Respectfully submitted,

Dennis R. Spencer
Project Engineer

cc Hugh Simmons
Andy Easley, County Engineer

The meeting proceeded with the Commissioners reviewing map of Bluegrass Subdivision. The Chair entertained questions. Mrs. Cox queried Mrs. Cunningham re the street plans. She said they plan to have concrete streets, so curb and gutters would be required, unless waived. Thus, she assumes the developer plans to have curbs and gutters.

There was brief discussion concerning street plans. Mrs. Cunningham asked if Mr. Willner wants asphalt curb and gutter? Mr. Willner responded, "Absolutely." Mrs. Cunningham said, "Then don't waive the curbs and gutters." Commissioner Willner said he does not mind waiving the gutter but he does not want to waive the curb. They certainly don't need sidewalks. A motion was entertained. Motion was made by Commissioner Borries that the request for waiver of sidewalks be approved, with a second from Commissioner Cox. So ordered.

President Willner stated that just so there is no misunderstanding, on Bluegrass Subdivision, the Board only waived the requirement for sidewalks. He doesn't believe they requested that the requirement for curbs and gutters be waived. However, on Simmons Subdivision, the developer did ask for waiver of requirement for curbs and gutters. However, the Board approved waiver of sidewalks only -- for both subdivisions.

RE: COUNTY HIGHWAY

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period October 6 thru October 10, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Booker Rd., Schillinger Rd.

Rocked & Graded: Long Rd., King Rd., Newman Rd., Green River Rd and Lynn Rd.

Graded: Heerdink & Myrtle Ave.

Pulled Shoulders: Fisher Rd., Walnut Rd., Campbell and Park

Rocked Shoulders: Rocked and rip-rapped Booker Rd.

Patched: Lakeland, Hitch-Peters, Old Lower Mt. Vernon Dr., Schutte Rd., Intersection Bob Court, Old State, Kuebler Rd., Allen Rd., and Meier Rd.

Rip-rapped: Church Rd., Baseline Rd., Long Rd., King Rd., Newman, Folz Lane and Allen Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the work report for the Bridge Crew, as follows:

-- Painted Bridge on Green River Rd.

-- Rip-rapped King Rd., Baseline, Allen and Oak Grove

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

President Willner then stated, "We're finishing up the paving season. Council gave you a few more dollars to finish Schillinger, Walnut Rd., Fischer Rd., Heinlein and Bromm Rd.? Mr. Bethel confirmed that this is correct. Mr. Willner asked if Mr. Bethel left Bromm Rd. on the existing contract? Mr. Bethel confirmed that he did. President Willner then entertained questions of Mr. Bethel.

Commissioner Cox queried Mr. Bethel concerning problem on Schlensker Rd., saying he was going to check on that. Mr. Bethel said that project is finished (they rip-rapped around the culverts, etc.). Mrs. Cox said it is hard to pick up on his submitted reports that they did it. She couldn't see anywhere on the Bridge Crew or County Highway report where anything had been done to a culvert on Schlensker Rd. Mr. Bethel said they did this last week (the day after Mrs. Cox told him about the problem).

Continuing, Mrs. Cox asked if Mr. Bethel has had an opportunity to check out Ashwood Drive? He said he has not checked that out. He does not find anywhere in his records where we said we would pave that.

Mrs. Cox said, "Oh, yes, it's in there. It's on your April 21, 1986 Road Pavement Overlay Program for Vanderburgh County Highway that was prepared by Andy Easley. Ashwood Drive is No. 3 on the list. He was out there May 21 and paved it with a hot mix base coat. Is that all he is going to do to it?

Mr. Bethel said he would check this out and give Mrs. Cox an answer next week. She did go out and look at it and it doesn't look like it is finished. Mr. Bethel said it is possible it needs another coat.

Mrs. Cox queried Mr. Bethel about Heinlein Rd. He responded that they are starting on that today; they are going to widen it 2 ft. on each side.

Mann Rd.: Continuing, Mrs. Cox queried Mr. Bethel about Mann Rd. (on the Adler). The sides aren't holding. Evidently they need to be stabilized or something. The north bank is caving in off off of that side. This may be a problem for Andy Easley as well. She knows they went out and did some ditching. Mr. Bethel asked if Mrs. Cox is referring to the place where they dug the big ditch? She said that is correct; right along Mann Rd. on the Adler property.

Mr. Bethel said he believes Mr. Easley is working on some kind of deal at this time with the Adlers to get this straightened out.

Mrs. Cox said Mr. Adler told her he'd been trying for the last three months to get this. Mr. Easley said he'd done his part and it would only take two days' work; thus, she'll ask Andy about this.

Woodbridge Place: This is off Jennings Lane and it is listed in Mr. Bethel's "green" report as being .02 miles. The county went out there earlier in the summer and did some patching and then they stopped. They didn't finish the rest of the way. She doesn't know why they didn't. Mr. Bethel said he will check it. Mrs. Cox said this is the one where she asked him about having the street marker put up because it is really hard to see. He said he would take care of that.

St. Wendel Rd./Payment from Posey County: Mrs. Cox then queried Mr. Bethel as to whether we billed Posey County for the work we did on their portion of St. Wendel Rd.? Mr. Bethel said this would come under Mr. Easley's area.

The Chair entertained further questions of Mr. Bethel. There were none.

RE: COUNTY CORONER

The meeting proceeded with President Willner reading the following letter from Mr. Charles Althaus, County Coroner:

October 9, 1986

To: County Commissioners

Re: Miscellaneous Requests

- 1) Request permission for the aid of the County Attorney in rewriting State Statute of Coroner Laws, to include payment for out of county deaths (that occur in Vanderburgh County) medical facilities.
- 2) Request that I be granted six days of travel to Indianapolis for legislative meetings of the State Coroners' Association, of which I am a member of the Legislative Committee.
- 3) Permission for Rick Woods, Chief Deputy Coroner, to attend Seminar on SIDS - mileage and per diem only.

Charles Althaus
Coroner, Vanderburgh County

Commissioner Willner said he sees no reason not to grant permission for Mr. Althaus to utilize services of the County Attorney. He believes he wants to have the law written where the residents of counties other than Vanderburgh whose death occurs in Vanderburgh County are held liable for the bills that are incurred in Vanderburgh County.

Attorney Miller asked if we're talking about fees for pathologists and those types of professional individuals for autopsies on residents of other counties?

Mr. Willner acknowledged that this is correct.

Attorney Miller said he believes this is entirely appropriate and this has been a problem for many, many years.

Commissioner Willner said that secondly, Mr. Althaus is asking for six (6) days travel to Legislative Meetings. In response to query, he said the six days might not be concurrent; it could be one day a week.

Mrs. Cox asked if this is a state-called meeting?

Commissioner Willner said the letter doesn't say it is a state-called meeting. It says "Legislative Meetings of the State Coroners' Association".

Mrs. Cox said if it is a state-called meeting, then we should pay it. If not, the Board usually approves subject to availability of funds.

Following further brief conversation and clarification by the Coroner's office, a motion was entertained. Motion was made by Commissioner Borries that the travel request be approved, subject to availability of funds, with a second from Commissioner Cox. So ordered.

Likewise, motion was made by Commissioner Borries that request to reimburse Mr. Rick Woods for attendance at SIDS Seminar (which has already taken place) be approved for mileage and per diem, subject to availability of funds. A second to the motion was provided by Commissioner Cox. So ordered.

Permission was also granted for the Coroner to utilize services of the County Attorney in rewriting State Statute, as requested.

RE: BIDS ON RESTROOM FACILITIES - BURDETTE PARK

President Willner read the following letter from Mark Tuley,
Manager/Burdette Park:

October 13, 1986

County Commissioners
Room 305 Civic Center Complex
Evansville, IN 47708

Re: Proposed Restroom Facility for Burdette Park

Dear President Willner:

In reference to the latest bid proposals, I recommend that all bids be rejected. All the bids are in excess of the engineering cost estimates. I will confer with Mr. Kinkle and request to bid again at a later date.

Respectfully,

Mark Tuley
Manager/Burdette Park

Mr. Willner said he if remembers correctly, we had \$30,000 budget for the restroom facility and the total bid was \$43,035.44. A motion was entertained.

Commissioner Cox asked if we opened the bids and read them into the record? Commissioners Willner and Borries responded in the affirmative. President Willner said the bids were opened and read into the record. He believes they were read into the record twice.

Commissioner Borries moved that the bids be rejected due to fact that they are over available funding, with a second from Commissioner Cox. So ordered.

RE: COUNTY TREASURER - MONTHLY REPORT

It was noted by President Willner that he has monthly report for period ending September 30, 1986, from the County Treasurer....report received and filed.

RE: COUNTY CLERK - MONTHLY REPORT

Also submitted was the Monthly Report from the Clerk of the Circuit Court for month ending August 29, 1986.....report received and filed.

RE: ALEXANDER AMBULANCE SERVICE - QUARTERLY REPORT

The next item submitted was the quarterly report of 9/30/86 from Alexander Ambulance Service.....report received and filed.

RE:: OLD BUSINESS

President Willner said he had a letter signed by Commissioner Cox and addressed to himself, which reads as follows:

"In view of the circumstances pertaining to our County Attorney David Jones, I am requesting that this item be placed on our Commissioners' agenda for Monday October 13, 1986.

It would seem that our Board has no alternative but to require a suspension without pay until such time as this matter is fully resolved.

I understand also there may be a personal conflict in making a decision of this nature as David serves as the Treasurer for your re-election committee. However, we must be above reproach in dealing with the situation."

Commissioner Willner continued, saying, "I think probably that David was man enough to take this matter off our agenda, but I thought maybe there were some things we should talk about. If the Commissioners would like to make any mention at this time, we will do so. Shirley?"

Commissioner Cox said, "My letter is to you and I'd like response from you as to how you intend to handle this situation, please."

President Willner called upon Commissioner Borries for his comments.

Commissioner Borries said, "Although the letter was not addressed to me, my concerns have always been what Shirley apparently was trying to do which I just think is very regretful to act as a prosecutor, judge and jury and deny a person due process of their rights until some charges have been entered or filed. The matter is now settled and I think that from the standpoint of a political charge, it is very reprehensible. We have entered into a very personal nature of politics which I believe is very regretful, instead of focusing in on the other issues. As to Mr. Jones' performance as an attorney, I am sure that Commissioner Cox would want to talk about her feelings about him in his capacity as a former County Attorney at this point. This personal situation is regretful. I believe that under our system of justice everybody is entitled to due process of law and that I think is a most regretful situation."

Commissioner Willner stated, "I guess you noticed that I had the Pledge of Allegiance this afternoon when we opened the meeting. I think the words of the pledge say "justice for all"; there certainly was no justice in this situation. I probably could use stronger words than Commissioner Borries, but I will probably refrain from that. I think it was deplorable. And I might say to you, Shirley, that if you worked as hard for this Commission as you do for your party that it would be a better Commission and a more enjoyable one. I really think that you ought to back up to get your paycheck -- that's how strongly I feel about it. I hope that it is over now. And I want to say that Mr. Jones was very much a man in his actions and what he did. I hope we can go forth now without this stigma.

This morning I find we had another letter written by Mr. Umbach to the President of the County Commissioners, asking that we remove Mr. Andy Easley, County Engineer. I think we had a newscast in which I said I was very perturbed with the election year in which there were many, many lies told. The fact is, the campaign was kicked off with my opponent saying that Green River Rd. would not have a median, which was a lie. The second news conference said the County Attorney made \$28,000, which was a lie. Every time I have heard that man (Umbach) speak, he has spoken a lie. Last week at the AFLCIO Central Labor Council meeting hall, he said the county highway paver was stuck in the mud. That was another lie. It is getting so I really deplore going through this kind of a campaign. It has been the worst I have ever seen -- and I am sorry for that. It seems to be the nature that runs from the Federal Government right on down to the Township level, and I think it is by design -- I am sure it is -- I don't know whether it will or will not prove to be effective; that remains to be seen. But I want you to understand that my opponent says he is an administrator. And I would think that the first thing an administrator would have to do is be able to tell the truth -- and that is not the case here. With those things, I think we will go forward. We will continue to conduct a positive campaign. We will continue to go with Burdette Park, the Auditorium, Economic Development; we will continue to keep an

upbeat here, even though our opponents are trying the other tactics. I am sorry I took so much time. We will now try to get back to the meeting agenda. Do we have any other scheduled meetings at this time?"

Commissioner Cox asked if she could ask a question? "Do you accept the resignation of Mr. David Jones as County Attorney? I understand he has resigned; are we accepting that as a Board officially? This is the only place we can take official action."

Commissioner Willner said, "That is correct; we will accept that." Addressing Commissioner Borries he asked, "Is that correct?"

Commissioner Borries responded, "Yes."

Commissioner Cox said "So his resignation is accepted by this Board?"

Commissioner Willner said, "In relation to Mr. Umbach's letter, I do have a gentleman in the audience here who is a registered engineer, Richard L. Gwinn. He asked that Mr. Gwinn stand and be recognized. Commissioner Willner said Mr. Gwinn is a licensed engineer. He did his work at the University of Missouri and graduated in 1949 with a B.S. Degree in Engineering. Mr. Gwinn has offered to volunteer his time to take away any impropriety that might have been alleged here. In no way do we wish to say that Mr. Umbach's letter has any credence whatsoever; but Mr. Gwinn has offered to do that. It was noted by Commissioner Willner that he has asked County Attorney David Miller to check to see if this is possible and he will give us an answer in due time. However, that is a possibility. Mr. Easley is on vacation and will be back next week. If Attorney Miller could have an answer for the Board by next Monday -- or sooner -- he would very much appreciate it.

Commissioner Cox stated she did not get finished with David Jones' resignation. "I think you have used the meeting as a political forum, so I guess I'll do the same thing. Everything you say I do is political anyway. But I feel the things you have pointed out are due to friendship to David. I had no problem with David's work as County Attorney. I knew him as a law clerk when I was County Clerk and he was just beginning. But we had an unfortunate circumstance happen and I think this Board failed (as it has in many, many other instances) to exert the leadership necessary to address the situation. That is why I called upon you to come forward. Two days passed; not one statement was made by Mr. Jones; not one statement from you, Mr. Willner, as President of this Commission, concerning the incident. And I cannot believe that if you get around town that you didn't have people come to you and question what was going to happen and what we (the Commissioners) were going to do. Because I certainly did. As to your charge about me backing up to get my paycheck, I feel I earn every penny of it. And I do come up here in the office and pick it up and I don't have it mailed to me, as you have had in the past. Never ever have I done that. I've driven miles over this county to answer these peoples' concerns. When they call me on the phone, I don't ask the if they're republican, democrat or independent. If they have a true concern or problem, I go out and look at it and I bring it back to this Board in open forum to have something done. And I tell you right now, I have a legal tablet full of things here that we have taken under advisement and haven't even acted upon or even gotten response to these taxpayers' problems. Now, to me, I call this inexcusable and a pure lack of leadership. As for Mr. "Andy" having a week's vacation or day's vacation or whatever it was, I have some questions for Mr. Easley. At last week's meeting, he promised me answers today with regard to the Columbia-Delaware Street Bridge, I don't know if you've seen it, but I drove by again this morning. I reported it three weeks ago. And even in the minutes of last week's meeting you said something should be done about this. This bridge is potted. We are getting into the

frost and the freeze and the thaw season -- and we had better make those repairs. Not a thing has been done -- and this is one thing that we talked about.

The other thing I was going to ask Mr. Easley about was Mann Rd., and stabilizing the sides of the ditches. We just don't move forward. I find he isn't here today; but he does owe answers to this Commission on that, because that was brought up last week.

Also, with regard to his proposal, how he intended to address the conflict of interest that we have pointed out and his proposal of how this would be handled. We haven't discussed that at all in the meeting. I think this is another thing that has more or less been poohed-poohed by this Board. I don't know why you can't get out and do your homework and look up the things that are being said, rather than just shifting them aside and letting things tumble or happen as they may -- and not taking the leadership role in correcting some of these problems. There is a lawsuit up in Warrick County (it has already been through the court). It was decided up there that the Surveyor no longer can serve on the Area Plan Commission because of the same thing we're talking about here. If Mr. Easley were in Warrick County, he no longer would have this problem, because he wouldn't be serving. All I've done is ask you to address this problem of the ethical and moral conflict that we have here; since June 23rd of this year I have asked you -- and we're stalemated. And you tell me to find something that he has done wrong or where he has broken the law. It is beyond me why you do not have a set of morals or ethics of your own where you can see this conflict of interest, and you call it a "political" charge. That is about all I have to say; and I suppose Mr. Borries will respond to what I have said. He has done this in the past."

Commissioner Borries said, "Again, I think we get into a matter of rhetoric where we're talking about ethical and moral standards. Certainly I believe this matter should be resolved at the next meeting. It is very important; but Andy is not here today. I think it is extremely important to remember that in the performance of his job, things just aren't that simple. We're not able to continually shoot from the hip here and continually criticize all the various duties that Mr. Easley has performed. I am sure there are many other people who would appreciate his attention to detail and the things that have happened in the conduct of his duties. As far as I am concerned, I want to remove any source of conflict from Mr. Easley -- and we will ask him to consider these things. I think Andy has performed very well in his capacity. I believe I have yet to hear where the morals or ethics have played into jeopardizing this county; and, again, I believe that Mr. Easley is certainly capable of doing the best thing that he should do for this county."

Commissioner Cox asked, "Mr. Borries, aren't you aware of the ASCE (American Society of Civil Engineers) Code of Ethics?"

Commissioner Borries responded in the affirmative.

Commissioner Cox then said, "And I might ask, Mr. Gwinn, are you aware of this, Sir? Are you a member of the ASCE?"

Mr. Gwinn acknowledged that he is aware of the ASCE Code of Ethics and he is a member of the ASCE.

Mrs. Cox asked, "Could you please explain to me then in Section 4-D, where it says, 'Engineers in public service as members or advisors or employees of a governmental body or department shall not participate in considerations or actions with respect to services solicited or provided by them or their organization in private or public engineering practice?'"

Mr. Gwinn said he'd have to refresh his memory. The impression he got when Mrs. Cox read that (he doesn't have it at his fingertips and it may have been 40 years since he read it) -- but

it sounds to him as though Mrs. Cox has stated an ethical question that all engineers follow, that they are not going to violate their professional practice at the expense or detriment of anybody. Is that what she means?"

Mrs. Cox said "No, the way I read this, it says that they shall not serve in a dual capacity. In other words, they cannot be Andy Easley, County Engineer, and Andy Easley, private engineer."

Mr. Gwinn responded, "I don't think it says that."

Mrs. Cox asked, "You mean you see no conflict if you would design a subdivision plan?"

Mr. Gwinn responded, "You said the Code of Ethics statement says that Andy Easley violated the code because he was the County Engineer. I say that the Code of Ethics does not say that. It's just that simple."

Mrs. Cox asked, "Would you like to read this then? Because he also is submitting private engineering plans -- and that is what it says you cannot do, Sir."

Mr. Gwinn said, "I don't know that..."

Mrs. Cox remarked, "All right. I'm sorry. I shouldn't ask you. We know that. Our Board knows that."

Commissioner Willner interjected, "Let's continue on. Andy Easley doesn't have a vote. This Board has the vote. This is where the conflict of interest lies; right here with this Board. We need to move on. David, do you have anything for the Board at this time?"

Attorney Miller said, "No. In view of Mr. Jones' resignation, I am going to ask to meet with him and review the various matters that he was working on for the county and make certain that those matters are properly handled. I am sorry about David. I am going to miss him. He was a hard worker. Everything he did for this Board was, in my opinion, competent. He did a very difficult thing on Friday. I was out of town and didn't even know what all transpired for certain until this morning. But I think that David's service to the county was good service; and I regret that it ended the way it did, as the county benefited from his work. I'll pick up whatever David has and hold on to it until further notice. I hope David does well in the future."

Commissioner Willner expressed appreciation to Attorney Miller for his comments.

RE: SCHEDULED MEETINGS

Tues.	Oct. 14	4:00 p.m.	Auditorium Advisory Board Mtg. (Mezzanine)
Wed.	Oct. 15	5:30 p.m.	Indiana Assn. of County Commissioners (K OF C, Jasper, IN)
Wed.	Oct. 29	11:30 a.m. to 6:30 p.m.	Auditorium Open House

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim presented in the amount of \$2,394.00 for litigation services re Samuel Angel and Elizabeth May; and various condemnation and foreclosure cases. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Sheriff & Commissioners' Jail (Appointments)

John H. Strange III	Prob. Patrolman	\$18,283/Yr.	10-12-86
Roxanne Roy	Civilian Jailer	\$14,348/Yr.	10-12-86

Sheriff & Commissioners' Jail (Releases)

Larry Weatherford	Patrolman	\$19,283/Yr.	9/2/86
Kenneth Taylor	Civilian Jailer	\$14,348/Yr.	10/11/86

Election Office (Appointments)

Clara L. Berry	Dep. Clerk	\$4.54/Hr.	10/06/86
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Cooperative Extension Service (Appointments)

Jane Jackson	Part-Time	\$35.00/Day	9/22/86
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Circuit Court (Releases)

Paul Wollenmann	PTBB	\$5.00/Hr.	10/3/86
Hugh B. Nicholas	PTWR	\$5.00/Hr.	10/3/86

Perry Township Assessor (Appointments)

Carl N. Zenthoefer	Fieldman	\$35.00/Day	9/25/86
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Perry Township Assessor (Releases)

James C. Hoffman	Fieldman	\$35.00/Day	9/25/86
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Prosecutor (Appointments)

Michael J. Danks	Dep. Pros.	\$18,000/Yr.	10/13/86
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Prosecutor (Releases)

Joseph Michael Woods	Dep. Pros.	\$21,540/Yr.	10/6/86
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Clerk of Circuit & Superior Courts (Appointments)

Sandra Rust	Dep. Clerk	\$6.00/Hr.	10/13/86
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Clerk of Circuit & Superior Courts (Releases)

Jane Lockyear		\$6.00/Hr.	10/10/86
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County Commissioners (Releases)

David L. Jones	Co. Attorney	\$15,040/Yr.	10/10/86
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Drainage Board (Releases)

David L. Jones	Attorney	\$1,200/Yr.	10/10/86
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There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

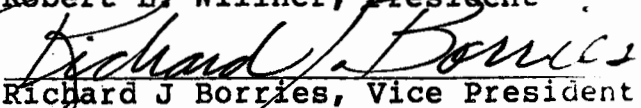
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	David Miller
	R. J. Borries	(Chief Deputy)	
	<u>COUNTY HIGHWAY</u>	<u>AREA PLAN</u>	<u>AUDITORIUM</u>
	Bill Bethel	B Cunningham	K. Bitz
		B. Behme	

OTHER

Del Cato
News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 20, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, October 20, 1986, in the Commissioners' Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Commissioner Cox said she wished to note a couple of corrections in the minutes. On Page 7, the length of Woodbridge Place is .2 miles rather than .02 miles. On Page 10, when reference was made to letter from Mr. Umbach asking that we remove Mr. Easley as County Engineer, she read the letter and it asked that the Commissioners remove the conflict of interest. On Page 14, her name has been omitted as being present at last week's meeting.

Motion was made by Commissioner Borries that with the foregoing corrections the minutes of October 13, 1986 be approved as engrossed by the Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: REZONING PETITIONS

VC-18-86/Petitioner, Ed Kuhlenschmidt (1st Reading): Common known address of subject property is 5522 Division Street. Present zoning is Agricultural and requested change is to C-4. Present use of property is undeveloped and proposed use is auto retail/service facility. The property is bound on the north and the west by agricultural; on the south by R-1 and on the east by C-4. President Willner asked if anyone is present who wishes to address VC-18-86? Hearing none, President Willner entertained a motion that VC-18-86 be approved on 1st Reading and forwarded to Area Plan Commission. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

VC-19-86/Petitioner, Bruce Bemis (1st Reading): Common known address of subject property is 3109 Old Henderson Rd. Owner of record is Aheadia Williams. Present zoning is R-1 and requested change is to C-4. Present use of property is farm and proposed use is storage warehouse. Note from Area Plan says outside storage is permitted in C-4 zoning. Property is located on west side of Old Henderson Rd. 600 ft. north of intersection of Old Henderson Rd. and Nurrenbern Rd. Abutting property on north and south is R-1 with single family residences. Across Old Henderson Rd. is a strip of vacant ground abutting Bayou Creek. Railroad tracks abut the rear of this property. President Willner asked if any persons are present who wish to speak to VC-19-86? Hearing none, President Willner entertained a motion that VC-19-86 be approved on 1st Reading and forwarded to Area Plan Commission. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

VC-20-86/Petitioner, Randy McClasky (1st Reading): Common known address of subject property is 4601 S. Kentucky Avenue. Current zoning is Agricultural and requested change is to C-2. Land is currently undeveloped and proposed use is Use Group 8, Retail Stores (Novelties, souvenirs, antiques, etc.). Property is located along State Highway 41 and consists of 43.6 acres, northwest of intersection of Waterworks Rd. President Willner said he noted somewhere that the property would have to be raised 19 1/ ft. to be adequate for construction of any kind. The area

currently has no water, sewer, or gas. Electric is connected via a spur from Ellis Park in Kentucky. President Willner asked if anyone is present to speak to this petition? Hearing none, he entertained a motion that VC-20-86 be approved on 1st Reading and forwarded to Area Plan Commission. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. (There was brief discussion as to whether the Petitioner's name was "McClasky" or "McClosky". Mrs. Cunningham said they will check this out prior to the next meeting.)

RE: SIMMONS SUBDIVISION - REQUEST TO WAIVE SIDEWALKS, CURBS & GUTTERS

President Willner said Mr. Jim Morley is present to request waiver of sidewalks, curbs and gutters in Simmons Subdivision. In previous action, the Commissioners approved waiver of sidewalks only.

Mr. Morley presented photos of the subdivision to the Board for their perusal, saying Simmons Subdivision is a small subdivision and has a cul-de-sac. Subdivision has eight (8) lots on the cul-de-sac. It is located on Hogue Rd. at the extreme west end of the county where Hogue Rd. turns north and runs parallel to County Line Rd. The street runs up a valley between swales on both sides. There was a spring near the center of this valley. At the time they began the roadway layout, consideration as to what to do with this subdivision, they determined that what should be done was to raise the grade of the road to install a drain in the area that does not drain well and to outlet that drain to side ditches to lower the ground water table in the area.

As the year is drawing to a close for road construction, Mr. Simmons proceeded to go ahead with this design on Mr. Morley's recommendation. The drawings were prepared and presented to the County Engineer, along with cost estimate for the project. A request was made to record the subdivision and the APC said the subdivision could not be recorded since the County ordinance now reads a waiver is required for curb and gutter. At the time that this ordinance was being written, there were many discussions with builders. We once had kind of a rule of thumb around here that anything that was planned to be streets or continuation of streets or within a mile of the City Limits where we experienced high density, we'd like to see those kinds of subdivisions have streets where people can park -- so curbs are requested. He remembers discussion at time of drafting new ordinance -- at that time it was not as clearly stated in the ordinance as it is now -- that sometimes there are reasons within a mile of the City when we don't need curbs and gutters. There may be projected growth areas where we would like to have curbs and gutters that is beyond a mile -- so let's put it in there that curbs and gutters will be required unless waived and then we can address the situation on an individual merit basis.

This subdivision is located in an area where there are no sewers. The septic tanks will be located on property where lots are all in excess of one acre; they slope toward the road in front. The septic tanks and field drain bed system will most likely be located in the front yards on six of those eight lots. A ditch is needed along the sides to properly lower the ground water table. In the event there would be any seepage from the septic system, it should go down the ditch and not run through some type of system, over the curb and then down the street. He's not saying that this will happen he is saying that it has happened in areas in the spring when problems occur where the system is not maintained properly. Hogue Rd. itself is only eighteen (18) feet wide; it has 2 ft. wide shoulders. Our ordinance calls for County Rd. standard of 24 ft. wide street with 6 ft. wide shoulders. The design drawings for this project presented to Mr. Easley are in exact conformance to the county design standard sheet currently in effect. The roadway grading has been done with excavation in the area of the spring, etc.

The roadway has been stripped of top soil and then loose soil brought in, raising the elevation of the roadway approximately one (1) foot or more in some cases above the grade existing before anything was started. If they were to design a curb and gutter road, they would need to cut this road down to go deeper so that the drainage from both side slopes could come over the top of the curb. As the Board knows, we've had areas where they had problems getting the water over the curb and some cases where there was undermining of curbs. This subdivision is very low density (as noted on original waiver); the side slopes are less than 4% except for one 100 ft. stretch or so at 6% at the extreme top end. There is very little drainage down the side slopes. As can be seen from the photographs, erosion control straw bales were in effect during recent heavy rain. The photos show that there were no serious erosion problems. Vegetation is coming along fine. It was done according to good engineering and construction practice. He has met with Mr. Easley and they have talked about various criteria that might apply to why we might want curb and gutter in one location and side ditches in another location. Mr. Morley said he thinks that this subdivision, with its small size and need to lower the ground water table and to have side ditches meets every possible criteria he can think of to justify a roadway with shoulders and side ditches. If there are any questions he will be glad to answer same. The grading work has been done. He also has a copy of a contract signed with the Rogers Group on September 15, 1986 for completion of paving of rock base and asphalt surface for this roadway. He knows that in times past the Board has made mention of preference of asphalt roadways and as noted, the developers cannot economically combine concrete curbs and asphalt roadway. So they either get an asphalt roadway and shoulders or if it's in an area where curbs and gutters are used, then it is always concrete because of the cost considerations. He would respectfully request that the Commissioners reconsider the request for waiver and grant a waiver for curbs and gutters on Simmons Subdivision.

Following brief discussion, Mr. Morley said the developer recently told him that he feels very strongly about the need for side ditches, and if this request is not granted, then he simply would like to make it a private road so he could have the side ditches for property drainage. Mr. Morley said he initially discouraged that, saying that it didn't cost anymore for him to build it as a public road and that he would like to see it done that way.

Mr. Willner asked if the road is already in? Mr. Morley said the photos presented to the Board were taken this past Friday. In response to query from Commissioner Willner, Mr. Morley said the grading has been done for some two to two and a half months.

Mr. Willner asked why they would want to do that prior to receiving approval to waive curbs and gutters?

Mr. Morley responded that first of all, at no time has there ever been a requirement of curbs and gutters on the extreme outer limits of this county. This was the first time. It never occurred to him that the Commissioners would not grant such a request. There has never been any subdivision in the outer part of the county where this was required. He is sorry, but he presumed too much. He does not remember this being required in an area that was short and had low sloped streets like this.

Commissioner Willner asked if the developer is going to blacktop the drive before any lots are sold? Or, have lots been sold? Is it going to be asphalt?

Mr. Morley said the contract is for county standard asphalt street. There is a building permit for Mr. Simmons' son-in-law who has begun a house at the far end of Carmel Ct. on property with an address of Hogue Rd. It cannot be recorded until this matter is settled. Mrs. Cunningham will not accept it for recording -- so no lots can be sold. Something has to be done one way or the other. It cannot be recorded as it now stands.

Commissioner Willner asked if the subdivider is going to bear the cost of the paving? Mr. Morley responded in the affirmative.

The Chair called upon County Engineer Andy Easley, who said he received the plans for the street on October 3rd and he received shortly thereafter an estimate to check. He was on vacation last week and thus has not been out to the property. He did see the photographs today. After looking at the profiles and the photos, he thinks the street is properly designed and, in this case, he thinks it does not need rolled curbs and gutters. It is not an erosive slope and he doesn't think it is the type ditch where people will want to put a pipe in it and fill it because they can't mow it. They should be able to mow that slope. It has a good slope to it and shouldn't have any water standing in it if the people will put their culvert pipes in the bottom of the ditch and not create a pond on someone else's property. He thinks that if the engineer and developer will commit themselves to make sure that those culverts are properly installed then it shouldn't give either the individuals or the highway maintenance crew any problems. Thus, it is his recommendation that the Commissioners approve waiver of curbs and gutters.

In response to query from Commissioner Cox, Mr. Morley said the street grade is 3.37% except for about 100-200 ft. which reaches up to 6% -- so it is less than a 4% slope. Mrs. Cox noted that a subdivision out on Kirchoff Blvd. that had curbs and gutters installed has experienced a lot of problems. She queried Mr. Morley concerning width of road. Mr. Morley said the road will have 24 ft. pavement and 6 ft. shoulders on either side. Mrs. Cox asked if this includes drainage easement? Mr. Morley said the drainage easement is over and above that, and there is a drainage easement on each side. The grading work has been done ahead of time, before any lots are sold -- and seeded. So people who now go out to buy a lot will know what they are getting. They will be buying something that is already seeded.

There being no further discussion, the Chair entertained a motion.

Motion was made by Commissioner Borries that the requirement for sidewalks, curbs and gutters in Carmel Court portion of Simmons Subdivision be waived, with a second from Commissioner Cox. So ordered.

RE: DRAINAGE ORDINANCE

Attorney Paul Black, Jr., who was sitting in for County Attorney David Miller, was recognized by the Chair. He said that he had talked with Attorney Keith Wallace prior to the Commissioners' meeting and he had indicated that he would like to study the recommendations prior to submitting to the Commission for their consideration. He will re-submit the proposed ordinance, with or without change, but the matter is no longer before the Commissioners tonight. Mr. Black said he has questions concerning Sub section (d). His question concerns the propriety of a fine in the event of violation, when a Homeowners Association has been established and as to whether or not this is appropriate or could, in fact, be done. Mr. Wallace indicated he would review this and return the ordinance with a recommendation re this, in particular, and concerning the rest of the ordinance.

Mrs. Cox said she also has question which she thinks Mr. Wallace is going to follow through on. We talk about "retention" basins and "detention" basins -- and they are different. In this proposed ordinance, she thinks it speaks of "retention" basins or "retention" lakes. If that definition could also include "detention" basins, insofar as to who is going to take care of them -- because a lot of times they hold water back for a while and then it drains out. But sometimes it doesn't all drain out and we have cat-tails and different things growing up in what is

not really a lake (it's not deep enough to be a lake). If the same provisions apply to the "detention" basin as "retention" lakes or basins, then we are covered there.

Mr. Black said he will re-express that concern.

Mrs. Cox said she talked with Mrs. Cunningham and she thinks they are about one and the same. But it is always good to have it spelled out.

Commissioner Willner addressed Mrs. Cox asking, "You want the ordinance to include 'detention' as well as 'retention'?" Mrs. Cox responded in the affirmative.

Commissioner Willner said the idea is not to detain the water but to retain it and let it out at a slow pace. But he'll let the attorney figure it out. There might be a way.....

Mrs. Cox referred to Mr. Wallace's letter of August 4th, wherein he speaks of "retention" lakes required for drainage purposes. If the "detention" basin is going to be considered a drainage swale, then it may be covered in there. But does Mr. Willner understand what she is saying?

Commissioner Willner responded, "Not really."

Mr. Easley said that some of the retention basins on the east side, the subdividers have used them as a source of fill material and they are, in effect, borrow pits. Some of them are quite deep and are always wet. They will always have water in them because the outlet is sometimes 10 ft. above the bottom of the retention basin. It does have usable storage. It does fill up and then trickles off to wherever it goes. He does think that the retention basin that is always wet needs to be addressed as opposed to one that may be dry after twelve to twenty-four hours, as far as our interest in them. And you're more apt to have cat-tails that have to be removed from a retention basin that is always wet than one that does get dry after twenty-four hours.

Commissioner Willner said, "Then what you're saying is that we might have a lake that is a retention and a detention lake -- but we would not be interested in one that is strictly detention?"

Mr. Easley said, "No, we would have no need for that. Supposedly, a detention that does drain after twenty-four hours could be mowed by a Homeowner's Association and we would not be interested other than we want it mowed. We don't want it to grow up full of weeds and not be maintained."

Commissioner Willner asked that Attorney Black check this out.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period October 13 thru October 17, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Schillinger Rd.

Back-Hoe: Heinlein Rd., Wedeking, two feet on each side. Not finished.

Trash: Garage, Upper Mt. Vernon Rd., Lynn, Green River Rd.

Paved: Schillinger, Bromm Rd., - (Not finished)

Rocked Shoulders: Green River Rd.

Patched: Old State, Owensville Rd. (Not finished)

Tree Crew: Wright Drive

Work Report/Bridge Crew: Also submitted for the same period was the Work Report for the Bridge Crew:

Painted bridge on Green River Rd.

Rip-rapped Schillinger Rd., Boonville-New Harmony Rd., Bridge #103, and Heinlein Rd.

Weekly Absentee Reports: Also submitted for the same period were the Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Bethel.

Mrs. Cox asked if we're going to pave Bromm Rd. ourselves?

Mr. Bethel responded that this is being paved by J. H. Rudolph & Co. and should be finished today.

Mrs. Cox then queried Mr. Bethel concerning Barbara Jane Lane, out off Huckleberry?

Mr. Bethel said they paved Barbara Jane Lane, thinking it was Huckleberry and it wasn't.

With regard to Schlensker Rd. problem, Mrs. Cox asked if he had a chance to take care of that? Mr. Bethel said that is finished. Mrs. Cox said that Mr. Neimeier's letter referred to a wash-out in front of their house that was caused by the drainage pipe that runs under Schlensker Rd., and he told her that on October 16th the Bridge Crew took some rock out there and dumped it -- but that is all that has been done. Mr. Bethel said they went back out there and it has been done right and is finished. Mrs. Cox asked if the culvert has also been installed? Mr. Bethel said, "Not a new culvert; they rip-rapped around the culvert and he will double-check it again in the morning.

Mrs. Cox then queried Mr. Bethel concerning the repairs to SIGECO's subcontractor's damage on Smith-Diamond, West Franklin, Schraeder and Volkman? Mr. Bethel said he has turned this over to the SIGECO representative, who was to give him an answer concerning this. To date, he hasn't. If he doesn't have an answer within the next two weeks, Mr. Bethel said he is going to ask the Board to allow him to instruct our attorney to file suit. Mrs. Cox asked if Mr. Bethel did this in writing? Mr. Bethel said, "Yes, I gave them the same letter that I gave to the Commissioners. Mrs. Cox said, "That was on Smith-Diamond and Franklin." Have they already corrected Schraeder and Volkman? Mr. Bethel said that as far as he can tell, it looks as though Volkman and Schraeder problems have been corrected. He drove over there about three to five days ago and he can't tell where there is still any damage. But he certainly can on West Franklin and Smith-Diamond.

With regard to Woodbridge Place Mrs. Cox said the paving started and then it stopped.

Mr. Bethel said he found that we do not own all of that; that is why they stopped paving.

Mrs. Cox asked how much we do own off Jennings Lane?

Mr. Bethel said it is his understanding that that is not ours. This is where Mrs. Cox wanted him to install signs.

Mrs. Cox said that Woodbridge Place is No. 489 in road report.

Mr. Bethel said the people out there ask what we're doing? They pave that road themselves -- so he backed off. But if the Commissioners tell him to do it, he will. Mrs. Cox said a woman just called her. Mr. Bethel said he had Lee Stuckey check this three or four times and it does not belong to the county.

Commissioner Willner asked, "All of it or just part of it?"

Mr. Bethel said he doesn't think we own any of it that is why he quit after he started on it.

Mrs. Cox said the road report says it is 2/10 miles and it really needs work done on it.

Commissioner Willner requested that Mr. Bethel check the County Engineer's records to see what they reveal.

Mr. Easley said he could not find it listed on the Summary of old Commissioners' Records in the vault.

Mrs. Cox asked if Mr. Bethel has it listed on a card at the garage? Mr. Bethel said they do not have a card on it at the garage. Mrs. Cox asked, "Then how did it get in this report?" Mr. Bethel said they put it in there by measuring the road. The county will accept it if the Commissioners so desire. But the people out in that area don't act like they want the county to accept it for maintenance.

Ashwood Drive: In response to query from Mrs. Cox regarding Ashwood Drive, Mr. Bethel said they have put one coat of surface on it and it gets another coat. Mrs. Cox said she didn't know that we had more than one Ashwood Drive -- but we do have. The lady who wrote to her does not live in Melody Hills. She went out there and looked at Ashwood Drive and they do have some pavement that is sinking. It is not going to last this winter. She gave copies of letter from the resident on Ashwood Drive.

Larch Lane/Berry Drive 3-Way Stop: Mrs. Cox said she had a call from a gentleman this morning concerning the 3-way stop at Larch Lane and Berry Drive. She told him that she was not aware that there was a 3-way stop there; it wasn't there when she went out and looked at the paving. Nonetheless, the gentleman said it is there now. How did that get up there?

Mr. Willner said he will try to clarify that. When the traffic department took over, there must have been a work order for that intersection and the troops went out and put it up. There is no ordinance for that intersection; in fact, when it was checked, there is not enough traffic to warrant a 3-way stop so there should not be one. He has a letter from Rose Zigenfus, as follows:

To: Vanderburgh County Commissioners

Re: Larch Lane-Berry Drive Intersection

Date: October 20, 1986

The EUTS evaluated the traffic flow at the above-referenced location and found that the 3-way stop at that location does not meet the warrants as cited in the Manual on Uniform Traffic Control Devices.

The traffic volume warrants for multi-stop signs state that for a multi-way stop to be installed there must be an average of 500 vehicles per hour for any 8 hours of an average day and the combined pedestrian and vehicular volume from the minor street must average at least 200 units per hour for the same eight hours with an average delay of 30 seconds per vehicle during the maximum hour.

Neither of these conditions is met at the intersection of Larch Lane and Berry Drive. The total daily volume entering the intersection is 387 vehicles, which is less than the required 500 vph for 8 hours, and the total daily volume on Berry Drive is 60 vehicles, which is much less than the required 200 vehicles per hour for 8 hours. The Manual on Uniform Traffic Control devices also states that stop signs should not be used for speed control.

Therefore, it is EUTS' recommendation that the 3-way stop sign be removed from the Larch Lane and Berry Drive intersection.

Rose Zigenfus, Director
EUTS

In conclusion, Mr. Willner said the sign will be removed.

Campbell, Park & Radial: Mrs. Cox said she noted that we had pulled the shoulders and did some wedging on Campbell Park and Radial; are we going to pave those also? Mr. Bethel said we are only going to pave Walnut Rd.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Conrail R.R. CROSSING ON U. S. Hwy. 41 (south of Whirlpool): Mr. Easley said he would like for the Commissioners to join him in signing letter that he has written to the IDOH District Office, as follows:

October 18, 1986

Indiana Department of Highways
Vincennes District Office
P. O. Box 376
Vincennes, Indiana 47591

Attn: Mr. Aden Carr, District Engineer

Gentlemen:

The condition of subject railroad crossing for the west half of the Southbound lanes on U. S. Highway 41 is becoming very dangerous.

Some of the "Rubber Pads" on the crossing are missing and I am sure the "jolt" the crossing is giving to the automobiles using the crossing is enough to damage their front end alignments.

Some large trucks have been observed swerving to avoid the "holes" in the crossing and there have been some "near miss side swipes" between cars and trucks in the southbound lanes.

It is requested that your office contact the appropriate Conrail officials and insist that they take immediate action to make emergency repairs to the crossing surface as soon as possible.

If any additional information is required, please contact the undersigned.

R. Andrew Easley, Jr.
County Highway Engineer

Robert L. Willner, President
Board of Commissioners of
Vanderburgh County, Indiana

cc: George Gossard, Superintendent, State Highway Dept.
Evansville Sub-District Garage
Board of County Commissioners

The Chair entertained questions of Mr. Easley.

Commissioner Borries said that is really a dangerous situation and he is glad that Mr. Easley has pointed this hazard out. He may also want to check out the railroad pads along the railroad crossing near Lynch Rd. It also looks as though they are beginning to wear badly -- not as serious as this one -- but they are worn. Mr. Easley said he had noted that they are sinking. Commissioner Borries said there should be some type of warning to motorists by the State Highway if they are not going to get on this immediately, because it is dangerous and not a good situation at all. Motion to approve request and forward letter to IDOH and Conrail officials was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Purchase of Right-of-Way for Lynch Rd. Extension: Mr. Easley submitted the following letter:

October 20, 1986

Mr. Robert L. Willner, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Property Required for Right-of-Way
for the Extension of Lynch Road in
Vanderburgh County

Dear Mr. Willner:

Enclosed is a copy of a sketch and a legal description of a parcel of property required for subject right-of-way at the western end of the project.

It is requested that the Board of Commissioners take the necessary action to acquire this right-of-way as soon as possible. The proposed right-of-way parcel has been reviewed and approved by Bernardin Lochmueller and Associates, Inc.

If you have any questions, please contact the undersigned.

Very sincerely,

Ralph A. Easley, Jr., P.E.
County Highway Engineer

Mr. Easley said he has included a legal description and sketch that could be turned over to right-of-way appraisers and purchasing agents to obtain approximately 12 1/2 acres at the western end of Lynch Rd. The proposed right-of-way parcel has been reviewed and approved by Bernardin Lochmueller, the engineers we're hoping to hire to design that road. Mr. Easley said this matter has been pending for several months and he thinks it is time to proceed.

Mrs. Cox asked if this is the one that affect Fox Point Subdivision? Mr. Easley said it is. Mrs. Cox asked if he was able to get it moved down any? Mr. Easley said that in talking to Bernardin Lochmueller, we probably have to slide the center of the road a little to the south, but not as much as we thought perhaps we could. He believes the State and Federal people would still honor that petition, but they are in the process of preparing the engineering agreement so they can do the work. This has been an advance review of the alignments and everything that affects the alignments. He thinks that this suggested right-of-way parcel is needed. Mrs. Cox asked, "And we do have permission from the State to proceed? Mr. Easley said that is correct and he has a copy of the letter in his file.

Commissioner Willner asked if we need to advertise for a right-of-way buyer? Mr. Easley said, "Just engineers and architects". Mr. Willner said then, "We need to appoint an appraiser and a buyer." It was noted that this would be two

separate projects. Mr. Easley said that he and Rose Zigenfus will see that they get their right-of-way purchase and appraisal instructions in accordance with the latest regulations.

Motion was made by Commissioner Borries that Victor Funke be appointed as Appraiser for this portion of the Lynch Rd. project east from Oak Hill Rd. and Citizen's Realty Co. be appointed as Buyer for the right-of-way to be purchased. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Willner asked if we need to go before Council to request appropriation of funds? Mr. Easley said we have an appropriation in the Lynch Rd. Extension account and knowing what 12 acres has been worth, he believes there are sufficient funds.

Mrs. Cox asked, "Now that this corridor and right-of-way needed has been definitely determined, could we not send a copy of this to Guthrie May & Company (Don Blume) and Sam Biggerstaff? She knows they have been very anxious to get this information." Mr. Easley said he will send them a copy.

The Chair entertained questions of Mr. Easley.

First Avenue Bridge: Mrs. Cox said she asked Mr. Easley to check the undermining, etc., on First Avenue Bridge. Mr. Easley said there is some subsidence on the southerly approach --and basically on the west half of the southerly approach-- which we have experienced in the past. This is not severe considering the volume of fill that went in. It is probably really less than he might have expected; and it may require some asphalt overlay in there. It doesn't have a severe dip in it and he doesn't think it poses any hazard to the traffic. He has been underneath it. Mrs. Cox asked, "It will be our responsibility then, rather than the contractors?" Mr. Easley said he is not going to say whose responsibility it is at the moment. But he thinks he certainly intends to take it up with the contractor within the next 30 days and then report back to the Commissioners. Mrs. Cox asked if he saw the rip-rap that slid down the side, and it looks like it is across those flap gates along the side. Did Mr. Easley notice that? Mr. Easley said he didn't see that. He was on the west side of the south approach and he did not see that. He will go back and take another look. Mrs. Cox said the weather is going to bring rain and snow now, and she thinks that probably we had some problems with the sub-soils on that bridge anyway -- and we thought there would be some shifting which would require continued maintenance. It is not a major problem if we can get it taken care of now. In the Bridge Report, it indicates that we should fill and stabilize the slopes in 1986. She thinks it just needs replacement of some fill in there and some rip-rap. This is one of the new bridges we built in 1983.

Green River Rd. Bridge Plans: Has Mr. Easley ever heard anything more from the State on the Green River Rd. Bridge plans? She has heard nothing.

Mr. Easley said that Mr. Lee Gallivan brought a bridge engineer from the State down and there was a field meeting where they discussed the pros and cons of a symmetrical widening of that bridge versus building two new lanes east of the existing bridge which would be designed as seismic stresses as the federal guidelines require. It appears that a proposal to build a dual second bridge to the east is being looked upon with favor by Mr. Gallivan and the State bridge engineers. At this point, he has a feeling that that will be the design that will be selected -- and it will slightly alter the alignment of the road at the bridge.

Mrs. Cox said, "I asked to be notified whenever they came down. My husband has been in the hospital and I have been in and out a lot. Maybe they did try to call. When was this meeting?"

Mr. Easley said they were down about two weeks ago; Dan Hartman made arrangements for the visit. He believes they came on short notice. He believes Rose Zigenfus was there. He didn't realize that Mrs. Cox wanted to come.

Mrs. Cox said: "I did express this. I also asked Dan Hartman to let me know."

Mr. Easley apologized because Mr. Hartman did not get back to Mrs. Cox concerning the meeting.

Delaware-Columbia Street Bridge: In response to query from Mrs. Cox concerning the Delaware-Columbia Street Bridge, Mr. Easley said he has had Tony Hall give him a count and volume estimation of the concrete surface holes on these bridges that have to be repaired. There is quite a volume and he is going to suggest that perhaps we do this by contract and perhaps next week he will come with a volume request and permission to advertise for bids and negotiate with someone experienced in getting these filled and sealed. They have been there a long time and in some cases they have been filled with asphalt. He thinks he is in favor of taking out some of the asphalt and putting in a more permanent concrete patch. They aren't really very bad; but they have been there a while and do need to be filled.

Mrs. Cox said she knows we were out there on four different occasions according to the Bridge Crew report, and what has been put in there is cracking out.

Sanitary Sewer/Green River Rd. : Mrs. Cox asked if Mr. Easley has received a report concerning sanitary sewer on Green River Rd?

Mr. Easley said the City has not gotten back to him on this yet.

Pavement Widths/New Subdivisions: In response to query from Mrs. Cox concerning pavement widths in new subdivisions approved by the Commissioners, Mr. Easley said they are 27 ft. back-to-back of curb.

St. Wendel Rd.: Mrs. Cox asked if we have billed Posey County yet for the paving on their portion of St. Wendel Rd.?

Mr. Easley said he gave Susan Kirk (County Garage) the claim several weeks ago. He would imagine it has been signed and sent to Posey County.

Mrs. Cox asked if Mr. Easley knows the amount of the claim? He said he believes it was in the neighborhood of \$9,000; but he does not have the exact amount in the file he has at today's meeting.

Mann Rd.: Mrs. Cox said Mr. Adler on Mann Rd. called her last Sunday. That north bank where the county dug the ditch is starting to cave in. He said he had talked with Mr. Easley several months ago and that he suggested some things which sounded good to keep the side ditches from sliding on down into the bottom of the big ditch we built. However, no one has done anything and he is afraid the weather is going to get bad and it is going to worsen.

Mr. Easley said Mr. Adler told him he was unhappy with the slope on the ditch. Mr. Easley said he was out there this morning looking at it. For only one season, it has rather a good stand of grass and he thinks that Mr. Adler is a little panicky because someone told him that if it wasn't a 2:1 slope, he'd never get grass to grow on it. In excavating the ditch and trying to stay within the right-of-way, at his (Easley's) recommendation the Commissioners let us purchase another 5 ft. strip so we could widen the ditch to slow down the velocity of flow. The side slopes are a little steeper than 2:1 and they may be somewhere between 1 1/2:2. He wanted the dirt to make his levee. He has

nice levee and he has a nice ditch and, basically, it is pretty stable. He may have to do a little special seeding in there and he guesses it would be nice to have it on a 2:1 slope. He'd have to move his levee over. But he thinks Mr. Adler is unduly concerned about a job that is basically a very good job.

Mrs. Cox asked if Mr. Easley saw the one part of the bank that had slipped? Mr. Easley said there may have been a slide in a couple of places; but they have to re-excavate the whole ditch because of one.....some kind of drop structure or rip-rap is needed at the bottom of the ditch. He told the Board about this and we must do something so the thing doesn't continue to erode and progress to the east. He has discussed this with Messrs. Willner and Borries. He looked at it again this morning. He believes he is about to develop a design and request permission to have that constructed. In dealing with Mr. Adler -- he is very likable, but hard to please. There are some people that if you do business with them you find they're almost impossible to please -- and he is very difficult to please. He is a perfectionist or something

Mrs. Cox said it is a nice ditch that we dug out there; the thing of it is (and Bob knows because he is from out in that area) the water comes down from those hills and into Big Creek; it is torrential and a lot of current is involved there. She doesn't want to see our ditch eroding because we will have problems with him if it causes him problems.

Mr. Easley said we don't want to lose the road nor do we want the bridge damaged.

Heinlein Rd.: Mrs. Cox next queried Mr. Easley concerning Heinlein Rd. She received a call saying they had gone out and dumped rock all along the shoulders. They came back, took the rock up and started digging along the side of the road. Can Mr. Easley explain that?

Mr. Easley said he talked with Mr. Campbell, who is basically very sad that we are improving the road -- because he said there is too much traffic on the road now, and it's sad to think there may be more traffic, even though we're making a 12 ft. wide road 16 ft. wide. They did put some rock there. After he and Bill Bethel looked at it again, they decided that to have a satisfactory widening strip on either side that they would excavate a 2 ft. widening strip on either side of the road. They are nearly finished with the south side of the road through this 300 ft. narrow cut area.

Mrs. Cox asked, "So they did put the rock down and came back and dug it up?"

Mr. Easley said, "No, they spread some rock which can be salvaged and didn't have to waste it. But there was never any great quantity of rock put there to begin with (possibly only one load").

McDowell Rd.: Mrs. Cox said she received four more calls on McDowell Rd. She also got a call from a lady on Green River Rd. concerning the big trucks traveling the area (North Green River) and they took a whole row of mail boxes and paper boxes down. She asked the lady if she obtained the name of the truck; however, the lady said they just go by so fast...

Mr. Easley said when the overlay went down it may have widened the pavement a few inches (which helped) and it certainly made it smooth.

Mrs. Cox said she thinks the problem now is that they are concerned about all the heavy trucks on that road -- and that they will tear it up like they did when we put the new surface down in 1978 or 1979. Those trucks are not using the granary and

they are not stopping anywhere along that road. They are simply using it as a short cut. It has a new pavement on it. Isn't there something we can do to keep those big trucks off that road?

Mr. Easley said, "The Sheriff's patrol cars don't take orders from me."

Mrs. Cox asked, "Will posting it help?"

Mr. Easley said the Commissioners discussed this previously.

Commissioner Willner asked, "What law do they break? If you tell me what law they're breaking, then there is something that can be done."

Mrs. Cox said, "Well, Bob, it just doesn't make sense to put down a road."

Mr. Easley said they only put 3/4 inch surface on that road, which improved the road for the majority of people utilizing it. The fact that there is an occasional truck running over it -- we've had truck problems on Oak Hill Rd.

Mrs. Cox said, "It's more than occasional; it's more than occasional. I was just wondering if we couldn't post it."

Mr. Easley asked, "You want to say 'No Trucks'?"

Mrs. Cox said, "No Thru Trucks".

Commissioner Willner asked, "Is that a law?"

Mrs. Cox said, "They have signs that say that. Could we not make it a law?"

Mr. Easley said, "Why don't we either ask legal counsel or the Sheriff what their interpretation is -- can you enforce such a thing? If a guy has to deliver something up Green River Rd., how do you tell him what route he can travel?"

Mrs. Cox said, "It also says somewhere that if they have a stop between intersecting roads they can use that. But if they do not have a delivery along there and they are simply using it to get from Highway 57 (and we know this) to either Morgan Avenue and take off that way or over to Division Street -- or just to the Green River Rd. area in sight. I know we can't limit farm trucks; but they are not stopping along there; they are not stopping at Day School -- and we have school busses that use that and big trucks -- and I think it is a dangerous situation."

Mr. Easley said he will check this out and see what criteria -- he doesn't want Green River Rd. torn up either. We invested probably over \$20,000 for that 3/4 inch surface -- and he thinks it is money well spent, because it is a pleasure now to drive as opposed to what it was. It used to be dangerous trying to avoid the chuck holes. It will not be wasted and will provide more base for what we are going to put on top of it.

The Chair entertained further questions of Mr. Easley... There being none, the meeting proceeded with the next order of business.

RE: VOTING PLACES - NOVEMBER 4, 1986 GENERAL ELECTION

It was noted by Commissioner Willner that we have the list of voting places for November 4th General Election to be approved and advertised. Margie Meeks compiled these.

Commissioner Cox asked if we ever found a place in Ward 2, Precinct 22; we had complaints concerning Mike's Towing.

Mr. Willner said we had to move this to the VFW on Pollack Avenue.

Mrs. Cox said, "That is not a public building."

Mr. Lindenschmidt said there was no other place available.

Commissioner Willner asked that Mrs. Meeks provide him with a list of all the voting place changes. In the interim, he will ask Mr. Lindenschmidt to handle house moving chores for the Building Commission.

RE; BUILDING COMMISSION

Mr. Lindenschmidt said Mr. Lehman couldn't be present for today's meeting and asked him to present request from Mr. James M. Girten for moving permit to move house from 2009 Polaris Avenue (Tax Code 5-100-1) to 2040 Capella Avenue (Tax Code 5-100-16). The route is from 2009 Polaris Avenue east on Spry Rd. to Capella Ave., thence south on Capella to new location at 2040 Capella. Approximate date of move is October 20, 1986.

The Chair entertained a motion. Motion to approve request was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: VOTING PLACES - NOVEMBER 4TH GENERAL ELECTION

President Willner noted that recent changes in Voting Places were as follows:

<u>From</u>	<u>To</u>
1-6 Nativity School	Covert Ave. Baptist Church 3001 Covert Avenue
1-12 Ross Theater	St. Mark's Lutheran Church 2300 Washington Avenue
2-22 Mike's Towing Service	V.F.W. Post 2953 1800 Pollack Avenue
3-18 National Guard Armory	Garvinwood General Baptist Church 1611 E. Indiana Street
6-12 Daniel Wertz School	Howell United Methodist Church 1408 Stinson Avenue
G-3 Evansville Athletic Club Farm	United Church of Christ Big Cynthiana Road

Again, Commissioner Willner stated they looked everywhere and the VFW on Pollack Avenue was the only place they could find.

Commissioner Cox said, "We need a legal opinion on that."

Commissioner Willner said, "It is more than one quarter mile, if that is what you are going to look at. But it is still the best we could do. If you can come up with one that is better, then we will have it changed."

Mrs. Cox said, "The only other thing we're going to have to watch there (and the reason she says this is that she was well versed in election laws -- unless they've changed -- and Mr. Black should be able to advise the Board) is that you cannot have a poll in a place where alcoholic beverages are consumed or sold. So we'll have to use something -- what is the designated number of feet -- she can't remember?"

Mr. Black said that if the polling place is in a separate facility and separated by a door...

Commissioner Borries said it is a big back room.

Commissioner Cox said Mr. Black needs to check this out.

The Chair entertained a motion to advertise list of polling places.

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

Mrs. Cox said Mr. Black is going to check out the voting place for 2-22.

Commissioner Willner said he agrees that the polling place wasn't in as good a place as it should have been for the previous election. We even had the newspaper out there the last time.

Mrs. Cox said, "Yes, it's better; but do we abide by the law here. If there is no alternative, maybe we could utilize someone's house."

(Note: Complete list of voting places for November 4th General Election is attached hereto as "Supplement No. 1".)

Mr. Black said he will check this out.

RE: OLD BUSINESS

President Willner said that Mr. Del Cato is present. There was some investigation by the County Highway Department concerning his allegations. He understands the T.V. cameras were there at one point today.

Mr. Easley said he read the letter received a week or so ago. The storm drainage improvements that were approved by the Drainage Board were carried out by the developer, in that they cut a ditch on the north side of Bergdolt Rd., draining to the west. They had to lower the culvert under SIGECO's transformer station maybe as much as 18 inches; and this plan was designed by Bill Nicholson, who did the engineering for that small subdivision. He thinks the county assisted by grading that roadway ditch to a lower elevation. He knows that the storm sewer that drains to the south between the houses was not installed in accordance with approved county plans. It's been in there for quite some time. By making the improvement described, to take the storm drain water from the subdivision to the west, it has not added any appreciable quantity of water to the storm sewer that drains to the south.

Commissioner Willner said Mr. Cato indicated there was some dirt dumped in there by the county. That was only at the time they cleaned the ditch? Is that correct?

Mr. Easley said he didn't see any dirt. They could run another line of levels on the ditch. But he is sure the ditch is within two (2) inches of being a straight grade, because it was staked and graded very carefully.

Mr. Cato said the ditch Mr. Easley is talking about brings the water eastward; it doesn't bring it westward at all.

Mr. Easley said, "No; this ditch drains to the west. It's on the north side."

Mr. Cato said he knows where it is.

Mr. Easley asked, "You're saying it doesn't flow to the west?"

Mr. Cato said, "Of course it doesn't; it flows back into that drain....."

Mr. Cato said there were some new developments this afternoon concerning this subdivision. He has some first-hand information about (he doesn't know whether it was a news conference or not). But it seems that this fellow that claims to own this subdivision held a little session out there this afternoon. Among the things he had to say were some disparaging remarks about one Willner and one Easley. He's not met Mr. Easley before.

Mr. Easley interjected, "We've talked on the telephone."

Mr. Cato said, "We may have. I won't say what this turkey had to say about you fellows, but that is beside the point. He indicated very strongly that he didn't need anymore Willner or Easley; he can run his business himself and he is going to cap up this sewer and whatever. The information Mr. Cato has is from an adjacent property owner. He believes that what he was told is true. When he read that from his standpoint, where we relieved him of the responsibility of this drainage to keep this water off of this private property -- we hauled his dirt for him' we've paved his road for him; he can very easily understand why (inaudible) -- but it comes under the heading again of kind of a political situation. What have we done for him lately? He doesn't believe we've hauled any dirt in the last three to four months. We paved the road for him four years ago. But what have we done for him lately? Mr. Cato said they're not going to let this matter drop. He is not an attorney; but he has sense enough to know that it is not sensible, it is not reasonable for a public road to be drained across private property -- when it has already damaged the property. The property is damaged; the basement has been damaged; the driveway has been damaged -- and he wouldn't put up with it at all. If he were the Board, he'd get a muzzle on that dude. He wouldn't let a man stand around and talk to him the way he talks to the Commissioners.

Mr. Cato said that he will point out again that he is not going to drop the situation. That ditch should be opened up to flow the water west -- away from this damage.

Mr. Easley asked, "Mr. Cato, would you do me the courtesy of calling Bill Nicholson, who was the engineer for the subdivision, and ask him which way this drain on the north side of Bergdolt Rd. flows? That drains to the west and you're telling me it drains to the east. You're arguing with me."

Mr. Cato said, "I've never going to stop arguing with you as long as I know."

Mr. Easley asked, "Well, would you have somebody put an engineering level on it and then come back and tell me...?"

Mr. Cato interjected, "I can see which way the water flows."

Mr. Cato said, "You can't tell with your eye."

Mr. Cato said, "We want the ditch opened up. It was in the minutes of the APC that that ditch be opened up. He believes it was Mr. Brenner recommended it; he's not sure. But it was in the minutes of the Planning Commission."

Mr. Easley asked, "If I met you out there with an engineer's level and you had an observer, would you....."

Mr. Cato said, "We're not talking about the same thing, Mr. Easley."

Mr. Easley asked, "Which ditch are you talking about?"

Mr. Cato said, "I'm talking about the ditch where the water flows east -- not to the west."

Mr. Cato said, "The portion of it near the subdivision -- the first 100 ft. or so drains to the east."

Commissioner Willner asked that Mr. Easley meet Mr. Cato out there and settle it at that time.

**Tuesday Oct. 21 3:00 p.m. Public Test of Voting
Machines (Election Office)**

Mrs. Cox said, "Only the environmental was approved; the design wasn't approved."

RE: MISCELLANEOUS - COMMISSIONER COX

Mr. Willner responded that SIGECO has not yet given him a solid price; they said it would be ready by something like this week. But it hasn't, so we'll wait until next week.

Mr. Willner said, "Very good; so state those in the record."

Mrs. Cox commenced searching for her copy of Mr. Easley's statement. She asked if he remembers what he said?

Mr. Easley said he doesn't have a copy with him today. He believes the statement said that Easley Engineering would not submit subdivision street improvement plans.

Mrs. Cox said, "It just said subdivision plans."

Mr. Easley reiterated, "Subdivision street improvement plans."

Mrs. Cox said, "I thought it just said subdivision plans period. I didn't know that it just said street improvement. I didn't understand it that way. But that does need to go into the record. It was my understanding that it was all subdivision work. Is that not right, Andy?"

Mr. Easley responded, "Subdivision street improvement plans would have to come over my desk before they go to the County Commissioners."

Mrs. Cox asked, "What about on the Subdivision Review then? When you look at that to make sure the different things meet the county..."

Mr. Easley responded, "Are we talking about subdivisions for the city?"

Mrs. Cox said, "No, we're talking about the county. It was all subdivisions within the county."

Mr. Easley said, "No, no, no; not within the county. The city is in the county."

Mrs. Cox said, "All subdivisions within the county outside the corporate city limits. No plans of any kind."

Mr. Easley said, "I stated that my private firm would no longer submit plans for subdivision streets."

Mrs. Cox said, "I thought you said subdivisions period. If you didn't say subdivisions, it is not going to solve the problem."

Mr. Easley said, "It will solve the problem."

The Chair entertained further questions.

Hillcrest Update? Mrs. Cox asked if the Board has heard anything further on the Hillcrest update?

President Willner responded that he has not.

Commissioner Borries said, "They are meeting."

New Insurance Program: Mrs. Cox queried the Board concerning the new insurance program that is going to be available to county employees. Welborn changed their Maxi-Care to HMO, is that right? But the Maxi-Care will still be available. She received a call concerning how this is going to affect people who retire December 31, 1986 and want to change insurance plans? Is this covered? Will Welborn HMO accept those people on Maxi-Care? Is that stated anywhere in their proposal?"

Mr. Lindenschmidt said he was talking with DoLores Gugin about that today. It will be taken care of. Anyone retiring the first of the year will have the opportunity.

Mrs. Cox pointed out that it does say, "Continuous employment for 30 days".

Mr. Lindenschmidt said, "Their premium will be paid in December anyway. They pay ahead of time and they have 30 days grace. However, he asked that DoLores Gugin make positive. They will be a series of meetings this month. But we will check with them and make sure that these people will definitely have the opportunity."

Commissioner Willner said, "The Federal law now says that you have to give them 18 months anyway."

Mr. Lindenschmidt said, "The point here is that you have a new program starting the first of the year. They said that if we wanted to, they would take them in right now. But that would be up to the Commissioners on a one-time basis. Maybe it needs to be a month ahead of time to make sure."

Mrs. Cox said, "In December, normally the insurance is withheld for the January insurance premium. That 30 days of employment..."

Mr. Lindenschmidt said there are some people who will be leaving employment -- we don't know, after a couple of weeks there may be some more people. But we want to be sure these people do have this opportunity. That is something we're going to ask of the company. It really isn't going to make any difference to the county, because they are going to pay it all themselves anyway as long as the insurance company accepts it.

Mrs. Cox said, "Individuals just wanted to know if it was going to be in effect; because it said after 30 days continuous employment. That was the 'clicker' in there; that is the way it was explained to her."

Mr. Lindenschmidt said, "Everyone who is going to retire the first of the year has 30 days continuous employment. Are you saying that they have to be in that group 30 days?"

Mrs. Cox said, "Yes; it says they are eligible after 30 days continuous employment. If they switch to another company, will the company they are switching to honor the past employment?"

Commissioner Willner said, "They have to, or they don't get any."

Eichoff Rd.: Commissioner Cox read the following letter, which she said was delivered to her home this afternoon:

October 17, 1986

County Commissioners
Vanderburgh County
Evansville, IN

Sirs:

We, the descendants of Peter J. Eickhoff (our grandfather) request that the spelling of Eichoff Road be corrected. The present spelling (Eichoff) is incorrect. The correct spelling is "Eickhoff".

We appreciate your cooperation.

Sincerely,

Mildred Eickhoff Ray
Sylvester Eickhoff
Leonard S. Eickhoff
Jerome J. Eickhoff

Mrs. Cox said that somewhere along the way since 1853 the concrete markers were all knocked down; the grandfather lived along Eichoff Rd. It is supposed to be spelled "Eickhoff" rather than Eichoff, the latter being the way it is now spelled.

Commissioner Willner suggested Mrs. Cox ask Area Plan Commission to research this and give the Board their opinion.

RE: CLAIMS

Frick & Powell: Claim in the amount of \$956.24 for litigation in several cases. Commissioner Willner said it is his recommendation that the Board continue to utilize the services of Attorney Jones concerning the matter of: Jo Ann Reed/Mary Evans vs. Vanderburgh County; Combs and Unfried vs. Helen Kuebler; and Dept. of Bldgs. vs. Jake Raibley. If we turned these cases over to another attorney, he would have to go back and get a complete update and he believes it would cost the county more than continuing to utilize the services of Attorney Jones re these matters. A motion was entertained.

Motion was made by Commissioner Borries that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Mrs. Cox queried Mr. Willner concerning the last date services were rendered. In response, Commissioner Willner said, "September 28, 1986.

Again, Commissioner Willner said it is his recommendation that the county continue to utilize the services of Attorney Jones on these cases, because if they are turned over to a new attorney he will have to go back and start over. Motion to continue to utilize Attorney Jones pertaining to the forgoing was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Bernardin, Lochmueller & Assoc.: Claim in the amount of \$7,314.20 in connection with Boonville-New Harmony Extension was presented. Commissioner Willner asked Mr. Easley if he has gone over this claim? Mr. Easley said he was in their office a week ago and he did review the matter and that amount sounds correct. A motion was entertained. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

City of Evansville: Claims in the amount of \$14,355.00 and \$22,407.77 for partial purchase of right-of-way and utility relocation costs in connection with Covert Avenue Extension project. This is to reimburse the City for the County Share (45%). Balance of claim will follow at a later date. Motion to approve claims for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Recorder (Releases)

Mary Ruth Dorsett Mtg. Deputy \$12,800/Yr. 10-22-86

County Council (Releases)

David Jones Attorney \$10,540/Yr. 10-10-86

Circuit Court (Releases)

Denise G. Karcher P/T Intern \$3.35/Hr. 10-17-86
Paul N. Aarstad P/T Intern \$4.00/Hr. 10-17-86
Joseph M. Schaefer P/T SAFE House \$5.00/Hr. 10-17-86

Circuit Court (Appointments)

Kevin Dwain Stewart P/T Bail Bond \$5.00/Hr. 10-6-86
Denise G. Karcher P/T Intern \$3.35/Hr. 10-20-86
Paul N. Aarstad.....P/T Bailiff \$4.00/Hr. 10-20-86
Joseph M. Schaefer P/T Bail Bond \$5.00/Hr. 10-20-86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 9:30 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. L. Willner Alice McBride David V. Miller
R. J. Borries
S. J. Cox

COUNTY ENGINEER COUNTY HIGHWAY AREA PLAN COMMISSION

Andy Easley Bill Bethel Barbara Cunningham
B. Behme

OTHER

Del Cato
James Q. Morley
Al Umbach
Roscoe McBride
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner

Richard J. Borries

Richard J Borries

Shirley Jean Cox

Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS MEETING
OCTOBER 27, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, October 27, 1986, in the Commissioners Hearing Room, with President Robert Willner presiding.

It was noted by Commissioner Willner that approval of the minutes of Commissioners meeting held on Monday, October 20th, will be deferred until next week. The secretary in the Auditor's office had Tax Adjustment Board minutes also, which had to be completed.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Audrey Miller/622 E. Michigan Street: President Willner presented a Poor Relief Appeal from Mr. Audrey Miller concerning medical assistance. He has to take four blood pressure pills per day and four breathing pills per day. He has (3) granddaughters in the home. By the time he pays all the bills, he doesn't have enough money left to cover his medical needs. President Willner asked that Mr. Miller approach the podium and advise the Commissioners concerning his income and the source of same.

Mr. Miller says he has income of some \$946.00 per month. By the time he pays his rent and utilities he doesn't have much money left. In response to query from Commissioner Willner, he said his rent is \$130.00 per month; he has cable T-V and a telephone.

Commissioner Willner asked whether Mr. Miller lives in a duplex or a single-family home? He said it is a single family home and his rent is current. The Chair entertained questions of Mr. Miller.

Commissioner Borries queried Mr. Miller concerning his monthly income. He responded that it is some \$940.00 per month.

Commissioner Borries asked Mr. Miller how many persons are dependent upon him? Commissioner Willner said Mr. Miller has said he is taking care of three granddaughters in his home. He said he lost a daughter in 1978 who had two children and he took them in. One of the granddaughters had a baby and he takes care of the five months old baby.

Commissioner Cox queried Mr. Miller concerning his monthly utility bills. He said around \$130.00. Mrs. Cox asked if Mr. Miller has medical bills for the other individuals in the family also? He responded that he does. Mrs. Cox asked whether Mr. Miller has asked for medical assistance previously? He responded that he has -- about two or three months ago. Mrs. Cox asked how much Mr. Miller's medication expense runs per month? He responded about \$120.00 per month. Mrs. Cox asked if Mr. Miller has sought temporary help from other sources? He replied "Washington Avenue Church". Mrs. Cox asked whether Mr. Miller has any money in his pocket now for medication? He said he has some put back in the bank, but he uses that to write checks for groceries, etc.

Mrs. Cox asked whether Mr. Miller is on food stamps? Has he looked into this program? He said he would only get about \$10.00 per month in food stamps because of his income.

In response to query from Commissioner Borries, Mr. Miller stated that he is 66 years old.

The Chair entertained further questions. There being none, Commissioner Willner asked that Mr. Miller be seated and he then recognized Ms. Louise Hall, case worker in Pigeon Township Trustee's office.

Ms. Hall said she hasn't seen Mr. Miller since September 11th of this year, when she denied him assistance. On January 15th Mr. Miller was in the office for refills for medication. She refilled his medicine and explained to him at the time that he was over the Pigeon Trustee's guidelines and that he was not on food stamps and that he would have to apply for food stamps (although she did not think he was eligible). He came back in September and she denied him medical assistance because he was over income and he had not applied for food stamps or medical assistance. She has not seen him since. In response to query from Commissioner Willner, Mrs. Hall said she did not have information concerning his income. When he filed affidavit on September 11th, there was Mr. Miller, his wife and 14-year old granddaughter (Carla Elliott). He told her he received \$390.00 social security his wife received \$180.00 and he got a retirement from the railroad in the amount of \$166.00 -- which at the time came to \$736.00 and he was still over the P.T.'s guidelines.

Commissioner Willner asked if Ms. Hall investigated to see what bills he had to pay with that \$736.00. Ms. Hall said she did not. When applicants are over the guidelines, they do not take the income into consideration. She went over the rules the first time when she got his medication; but she figured he needed the medication when he came in the first time. He also needed it the second time but he did not apply for what she told him.

The Chair entertained questions.

Mrs. Cox asked if the medical assistance Ms. Hall is talking about -- is this something from S.S.I. or something from Social Security? Ms. Hall responded in the affirmative.

Mrs. Cox asked Mr. Miller if he is a veteran? He responded in the negative.

Mrs. Cox asked if she understood Mr. Miller to say that his granddaughter has a new little baby? Thus there is Mr. Miller, his wife, a granddaughter and a new little baby.

Ms. Hall said she only has a 24-year old granddaughter as of September 14th - that is what he told her. She asked Mr. Miller if this granddaughter doesn't receive ADC (Aid to Dependent Children)? Mr. Miller acknowledged that she is.

The Chair entertained further questions. There being none, a motion was entertained.

Commissioner Borries said he thinks he would have to say at this point that Mr. Miller needs to explore the Food Stamp Program. The problem is that Mr. Miller's amount of income is almost double that specified in the Trustee's guidelines. Apparently they have done something on an emergency basis, but they also have to be concerned about following their rules. Does Mr. Miller have any insurance plan for which he is eligible - through the railroad or....?

Mr. Miller said he is on a plan with the State of Indiana. Commissioner Borries asked if he was on any health plan through the State during the 24 years he worked? (Mr. Miller responded but it was inaudible.) Commissioner Borries asked whether Mr. Miller is on any health plan currently such as the HMO's or anything like that? Some of these plans have a very low cost in terms of medicines etc., built into those programs. He has an elderly aunt who is on one and she only pays \$3.00 per month for her medication. Mr. Miller said he is on Medicare.

Mrs. Cox said she believes Medicare reimburses individuals once a year or something like that.

Commissioner Willner asked if there is any Federal Family Financial Planning Agency which could offer assistance to Mr. Miller? The United Way and Family & Children's Services was mentioned.

Commissioner Cox said that if Mr. Miller doesn't have any insurance and he is taking care of the other medical bills, she would think this is why he doesn't have enough money to go around -- if he doesn't have any insurance to help with the medical expense.

Commissioner Willner asked Ms. Hall if Evansville has a Family Financial Planning Agency? She responded, "Not that I know of."

Attorney Miller said there is the Consumer Credit Counseling agency but that's for people trying to work out their debts. He doesn't know what they do in the way of counseling on budgeting.

Commissioner Borries said Mr. Miller mentioned utility bills; and he knows that Project SAFE is one source of assistance. Is Mr. Miller eligible to apply for that this time? That should give him some help with his utility bills. Mr. Miller offered comments, but again they were inaudible.

Commissioner Borries asked if he understood Mr. Miller to say he is eligible for the food stamp program but hasn't applied?

Mr. Miller said all he wants assistance with is his medicine and he will try to make the best of it.

Commissioner Borries said the Commissioners' concern is that if this is something that is going to happen month after month -- and they know he is having a hard time -- then he is going to need every bit of help he can get. That is why the Commissioners are trying to make a recommendation -- even if he is only eligible for \$10.00 per month food stamps, that might be some that he could use for some of the medicines he needs. That is the point. The Commissioners know he is having a hard time. Unless he is able to use almost every resource available to him, every dollar may count in that situation. That is why he wants to suggest that Mr. Miller check with Social Security; if he is on Social Security, there may be something there to help him.

Commissioner Cox asked if the Commissioners couldn't find a way for the Trustee to go ahead and refill his prescriptions with the understanding that he does apply for food stamps -- he doesn't have any medicine.

Commissioner Borries said that Welfare has that health care for the indigent also, in emergency situations; but does that just take care of the hospital? Could he check there for some kind of benefits? Then perhaps he could report back next week. Addressing Mr. Miller, Commissioner Borries said that at this point he cannot feel that the Trustee has violated their guidelines or done anything wrong from that standpoint. Addressing Ms. Hall of the Trustee's office, he said he wished that she could direct Mr. Miller to the right agency at Social Security to see if there is some way through Social Security Disability that he could come up with that. He spends a considerable amount of money on medicine and surely through that Federal program there would be some way that benefits would be available to him. Motion was made by Commissioner Borries that the request be denied, with a second from Commissioner Cox. So ordered. The Chair then asked for a roll call vote: Commissioner Cox no; Commissioner Borries, yes; Commissioner Willner, yes. So ordered.

Continuing, Commissioner Willner asked that Ms. Hall do what she can to help Mr. Miller. Check his religion and get some financial planning. Mr. Miller's expenses are \$280.00 per month

for rent and utilities and medicine. That leaves a big gap and there is something wrong. He doesn't know what it is; but he would ask that Ms. Hall help him with his finances in some way. She needs to talk with him; it is very plain that something needs to be done regarding his finances and the Commissioners do not have time to go through that right now -- but someone should do that for him.

Commissioner Cox asked if Mr. Miller could go across the street to the Council on Aging? Ms. Hall said that he could. If he has his prescription bottles with him she might be able to get Catholic Charities to refill his prescriptions. She asked Mr. Miller if he had been there? He responded, but it was inaudible.

RE: AUTHORIZATION TO OPEN BIDS

President Willner entertained a motion to authorize the County Attorney to open bids received on the following:

- (1) One mini-van for the Sheriff's Department
- (2) Two salt spreaders for the County Highway Department
- (3) Two snow plows for the County Highway Department

Motion to authorize opening of bids was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: ORDINANCE RE CABLE T.V. FRANCHISE - STEPHEN WEITZEL

President Willner said Attorney Weitzel is present to discuss Ordinance re consignment of Cable T-V franchise.

Attorney Weitzel said that last week he was contacted by the potential buyer of this system in conjunction with its purchase of all Community Cablevision franchises in the Tri-State area, Vanderburgh County being one of those franchises. In 1984 this Commission adopted an ordinance and entered into a franchise agreement with Community Cablevision Limited for the construction of a CATV system within the county outside the environs of the City of Evansville and that entity is now selling its rights to that franchise and its system to Cable Equity Associates, Inc. By the terms of the ordinance adopted in 1984, the seller or the current franchisee must obtain consent of this Commission in order to make the sale of the assets and to assign its rights to the franchise agreement. He has filed a proposed form of ordinance and it is set for first reading today. Attorney Miller has determined that there must be a publication of Notice of Public Hearing twice in the local newspapers before the 2nd and 3rd readings can be held. What he is asking today is that the Commission consider this and pass it on first reading and then permit the Public Hearing to be conducted on November 17th at the regularly scheduled Commissioners' meeting. If the Commissioners can inform him as to any additional facts they would like to have disclosed at the Public Meeting between now and said meeting, he will attempt to either have a representative of the company present or he will try to answer said questions.

The Chair entertained questions.

Commissioner Cox said she would just point out that November 17th is the evening meeting (7:30 p.m.).

Attorney Miller said he has form of ordinance and notice submitted for Commissioners' consideration. The ordinance is in order and the notice is now in order. It is his recommendation that Commissioners approve same on first reading and order publication. He said that Attorney Weitzel has told him that his client will reimburse the county for this publication inasmuch as this is a private enterprise. Attorney Weitzel confirmed that this is correct.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that the ordinance be approved on first reading and the notice of Public Hearing be published as required by law, with said Public Hearing scheduled at 7:30 p.m. on November 17, 1986, with a second from Commissioner Cox. So ordered.

RE: EUTS - ROSE ZIGENFUS

Railroad Crossing Safety Improvement Projects: Mrs. Zigenfus said she has a total of six (6) highway railroad projects that she would like to discuss this afternoon for which we will be applying for federal funding. These are all safety improvement projects (automatic signals and gates) within Vanderburgh County, as follows:

- 1) Mt. Pleasant Rd. at Seaboard between U. S. 41 and Old State Rd.
- 2) Boonville-New Harmony Rd. between Hwy. 57 and Green River Rd. (84 Lumber Company)
- 3) Old Petersburg Rd. at Seaboard between U. S. 41 between U. S. Hwy. 41 and Stahl Avenue.
- 4) Red Bank Rd. at Seaboard between Upper Mt. Vernon and Minister Lane.
- 5) Oak Hill Rd. at Pennsylvania Central between Hwy. 57 and Millersburg Rd.
- 6) St. George Rd. at Penn. Central between U. S. 41 and Hitch and Peters.

The funding is to be 90% federal and 10% county, with possibility of also getting the 10% paid for.

The Chair entertained a motion.

Motion was made by Commissioner Borries that the agreements for those six (6) projects be approved, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Cox, Mrs. Zigenfus said EUTS has done preliminary study. According to the State's railroad inventory and their double checking figures, traffic counts and train counts and what is presently at the location, they have put them in priority listing and these are the top six that we should be paying attention to at this time.

Commissioner Willner asked if this is in relation to the survey that Calvin Evans did with the State and the school bus crossings and seven most hazardous crossings in Vanderburgh County? Mrs. Zigenfus said this is correct.

Lack of Highway Legislation for Road Projects: Mrs. Zigenfus said there is another item the Board should be considering and that is the lack of highway legislation for road projects. In essence the lack of highway legislation has killed the highway program for not only Vanderburgh County and the State of Indiana, but the nation. As the Commissioners know, when Congress adjourned last weekend, the country was left without a Federal Highway Bill. Congress did, however, pass a continuing resolution authorizing the Federal Highway Administration to spend only what carry-over money is available. No new dollars were authorized and the carry-over money was approximately \$48 million. The impact of this action was really significant on the Evansville urbanized area. Except for the I-164 project, the local road projects (including the Russell Lloyd Expressway). have come to a grinding halt. They have just pulled some of the projects off the letting. The last section of the Expressway from Vann to I-164 is the section we're talking about totaling

approximately \$15 million (which has been pulled from the December letting. Throughout the State of Indiana there is a significant impact. She was told that there were approximately 135 scheduled projects, of which 100 have been pulled from the letting. There are some exceptions to this: interstate money, bridge replacement money, some secondary money and hazard elimination safety projects. Unless Congress is called back early prior to January 1st by the President, there is no chance of any of our local projects going to construction as planned. She thinks this would be unfortunate. This includes Fulton Avenue, Pennsylvania Street Bridge, Lynch Rd., Third & Fifth Street, Pollack, Green River Road North and Green River Road South. She thinks President Reagan should be urged by the local constituents to call Congress back by January 1, 1987 to enact highway legislation. If the Congress reconvenes in January, then the whole legislative process has to begin anew and this will take some time. This was evident back in 1982 with the 1982 Transportation Service Act. What it did was not give us any legislation until the summer of 1982 which, in fact, delays funding and -- specifically here -- our road projects. She doesn't think this is any kind of doomsday warning, but a statement of facts. But we must alert the news media, the public, the Legislators and Congressional Representatives to take action immediately. Mrs. Zigenfus said she would encourage all present to do that. She thinks it is imperative that we proceed with our road projects as planned. It is too important to the area not to proceed.

Commissioner Cox said that Mrs. Zigenfus referred to the Russell Lloyd Expressway project. From where to where was in jeopardy?

Mrs. Zigenfus said from Vann Avenue eastward to I-164.

Mrs. Cox said, "Even though we have received approval for all of the road projects that we have under way to date (which we don't have too much under way), is Mrs. Zigenfus telling her that those funds are in jeopardy?"

Mrs. Zigenfus said, "Not those projects that have already been appropriated. We have taken the steps and at the State level they have said 'We will approve the funding'. We are approved for the funding, but there is no funding available. There are no dollars."

Mrs. Cox said, "We have \$48 million."

Mrs. Zigenfus said, "Yes, for the whole state. We're just one entity that is vying for that \$48 million. This section for Green River Rd. alone is \$15 million. So I was told that it was pulled from the December letting, which could be significant."

Mrs. Cox asked if Mrs. Zigenfus received a letter on this?

Mrs. Zigenfus said she received the information via telephone. She thinks it would be prudent at this time to contact our Representatives to see what can get done about this.

The Chair entertained further questions.

Commissioner Borries said he understands the President is going to be in town this week, so maybe the message will get to him. He doesn't know whether he personally will be that close, but perhaps someone else can get that message to him. He does think we need to write all of our Federal officials to urge them to request that Congress have a December session to approve a Federal Highway Bill.

Commissioner Willner asked that Mrs. Zigenfus draft a letter for the Commissioners' signatures and return it to the Commissioners' office.

RE: BIDS - MINI-VAN FOR SHERIFF'S DEPARTMENT

Attorney Miller reported that the following bids were received:

Hendrickson & Sons Enterprises/Boonville, IN: 1987 Model SKE
12 Mini-Ram Van \$11,142.00. Bid bond NOT in order.

Tom Wood Pontiac GMC/Indianapolis, IN: 1987 GMC Safari Cargo
Van with various options. \$11,043.00. Bid is in order.

Kenny Kent Chevrolet/Evansville, IN: 1987 Chevrolet Astro
Cargo Van with various options \$11,076.87. Bid is in
order.

Cooke Chevrolet Co., Inc./Evansville, IN: 1987 Chevrolet
Astro Van. It appears to be the same model offered by Kenny
Kent although he is uncertain about all the options. Bid
price is \$11,181.97. Bid is in order.

D Patrick, Inc./Evansville, IN: 1987 Ford AeroStar
Mini-Cargo Van. Delivery 6-8 weeks from receipt. Warranty
is described; options are not described. Bid price is
\$10,200.00. Bid is in order. *Bid bond not signed*

Commissioner Willner said the Sheriff has requested that he be permitted to take the bids under advisement, together with the Purchasing Department, immediately, so they may possibly choose a vehicle yet today. He suggests that the Board do that. A motion was entertained.

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

RE: DRAINAGE ORDINANCE

The Chair recognized Attorney Keith Wallace. He said he has a Drainage Ordinance, which has been drafted with the cooperation of the County Attorney in an agreement with some home owners and developers in an effort to improve upon the County Drainage Ordinance. He and Attorney Miller discussed the possibility of the ordinance being included in the Subdivision Code, as it addresses drainage in subdivisions. He has supplied copies to the Commissioners. It is the exact ordinance introduced last week minus the last section in which there was some question as to the workability. He will be glad to answer any questions. It is his hope that it can be passed by unanimous consent and then he believes there is a minimum publishing requirement and it will take effect immediately thereafter.

Attorney Miller said the Commission will recall that there has been extensive discussion over a period of several months -- not to say years -- regarding the continuing responsibilities that developers are concerned about regarding the maintenance of primarily water retention areas that are designed into subdivisions in the county in order to hold water and allow it to drain off at a more orderly or slow pace after heavy rains. There have been some concerns addressed on the part of the Commissioners and his part regarding how to assure that the county is not going to be burdened with the responsibility of going into subdivisions and spending county money to prop up the appearance and drainage quality of subdivisions where developers have completed their work and are gone. Attorney Wallace was retained by a consortium of developers here in the county. Since the county and the developers had mutual concerns about this continuing responsibility and how to handle it, he and Keith discussed the matter on two or three occasions. This proposed ordinance is the result of their work. It envisions that the Homeowners' Association (if there is a Homeowners' Association) will have full responsibility for maintaining the water retention areas and keeping the storm sewers outside of county street easements in working order. If there is not a Homeowners'

Association, then the home owners directly abutting on the water retention areas will have the responsibility for maintaining the water retention areas and making sure that weeds don't grow and the pipes don't become clogged. The developer will pay into a fund based upon 50 cents per lineal foot of storm sewer and 50 cents per foot of boundary or borderline of the retention area. That will be held in a special fund to finance the maintenance of the storm sewers by the county. There is an enforcement provision in here, so the statute requires that this be advertised two consecutive weeks prior to its effectiveness; thus advertisement will be required.

The Chair entertained questions.

Commissioner Cox said this is the first time she has seen the ordinance. There was a question that came up at last week's meeting (brought up by Mr. Paul Black) re the enforcement (sub paragraph (D)).

Attorney Miller said this has been completely eliminated.

Mrs. Cox said that in order to bring these people into compliance we file suit in Civil Court if they are not holding up their end of it or to get them subjected to a penalty?

Attorney Miller said that is correct. The penalty provision is a reasonably simple one and treats each separate day as a separate violation.

The Chair entertained further questions. There being none, a motion was entertained.

Attorney Miller said this ordinance was written as an amendment to the Subdivision Code.

Motion was made by Commissioner Borries that the amending ordinance concerning the Subdivision Code (referring to the retention basin and storm sewers and installations and guarantees, etc.), be approved, with a second from Commissioner Cox. The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Cox yes. So ordered.

Commissioner Cox said that since this has to do with drainage and there is a Drainage Board meeting today, shouldn't this also come before the Drainage Board?

Commissioner Willner said this has nothing to do with legal drains.

Attorney Miller said this is nothing that goes to any ordinance relating to legal drains.

Mrs. Cox said, "We must remember that we do not see subdivisions except for the drainage plan that comes to us."

Attorney Miller said the Drainage Board will have the function of seeing to it that this ordinance is enforced and recommending to the Board of Commissioners (which is the same body). But the adoption of this county ordinance is not required by the Drainage Board.

Attorney Wallace said it is his understanding that, if unanimously passed, the ordinance can take effect upon the required publication being completed. Attorney Miller said this is his interpretation, as set forth in I.C. 36-2-4-8.

Commissioner Willner asked that Attorney Wallace express the Board's thanks to the homebuilders. He is sorry it took so long, but he believes we have a good working ordinance.

Commissioner Cox said that at least this is a step forward.

RE: APPOINTMENT TO HUMAN RELATIONS COMMISSION

It was noted by Commissioner Willner that he has a request from Jacqelyn LaGrone, Director of Human Relations Commission. She informs him that the Commissioners need to replace Laurie Damm, who is no longer on the Board. Her appointment would expire December 31, 1987. We need an individual to fill that position at this time, and he has an individual who has consented.

Commissioner Borries said he is pleased to recommend that Mr. Bruce Naylor of 727 S.E. Third Street, Apartment B, who is a Director of the Evansville Area Council of churches, be approved on this Board. He believes he has experience which would be very appropriate for this particular Board and that he would be a very productive member. Thus, he would move that the appointment of Mr. Bruce Naylor be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Work Report for employees at the County Garage for period October 20 thru October 24, 1986.....report received and filed. Attached to the Work Report was the following Work Schjedule:

Gradall: Schillinger, Outer Darmstadt, Old State Rd., County Line West, Evergreen Rd., Old 460 and Henze Rd.

Paved: Schillinger Rd. (1 Day)

Widened Road: Heinlein Rd. (Not finished)

Patched: Owensville Rd., Edgewater Dr., Estate Dr.

Rocked Shoulders: From Theater Drive to Apartment House

Garage: Built barricades

Work Report/Bridge Crew: Also submitted for the same period was the work report for the Bridge Crew for the same period....report received and filed.

- Painted Bridge on Green River Rd.
- Rip-rapped on Schillinger Rd.
- Patched on Allen Lane
- Rip-rapped sewer inlet on Ridgeway
- Repaired guard rail on Oak Hill - Lynch Rd.
- Repaired guard rail on Pollack Avenue and rip-rappd shoulders of bridge on Baseline and Petersburg Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

In response to query from Commissioner Willner, Mr. Bethel reported that they worked on Schillinger Rd. today.

RE: COUNTY ENGINEER - ANDY EASLEY

Agreement with IDOH re Heerdink Lane: Mr. Easley said he has given the Commissioners a copy of the agreement with the IDOH which they sent to us, concerning what we have been calling the Heerdink Lane Frontage Rd. tie-in. He had a copy of this delivered to Attorney Miller's office, but he is not sure he has had time to review same. The last sheet of the agreement is his own sheet -- an estimate he made in June at the request of Lee Gallivan, as to what he thought our half mile would cost. The

State is going to build our half mile and the amount that they came up with is a little more than his estimate. His estimate shows the unit prices and equipment prices. The cost was \$112,000.00 (about \$600.00 more than his estimate). The entire one mile will be constructed by the State's contractors. They will send us a bill for our half mile.

Commissioner Cox asked if this is matching funds or total cost to Vanderburgh County?

Mr. Easley said this is the total cost. We got permission to do this out of the account for the Heckel Rd. Bridge. His last reports indicates there is \$204,000 in the account. He is hoping that if we get a break in the weather they can get this graded and done; but he is beginning to feel a little pessimistic about it. It has taken so long.

Attorney Miller asked if the county owns the right-of-way yet?

Mr. Easley responded that we have acquired all of the right-of-way and they have copies of all easement deeds.

Attorney Miller said he has reviewed the contract; it is standard and provides exactly the terms Andy describes and the county is responsible for acquiring the right-of-way. The only question he had was as to whether the county has done so. The document is not particularly the type the State of Indiana negotiates. It is one that is standard in its terms for projects of this type. He compared it very quickly to a couple of other State agreements that we used in the past and it is extremely similar. It is his recommendation that the Commissioners approve the agreement.

The Chair entertained questions.

Commissioner Cox said she has no specific questions concerning the project. She does, however, have questions concerning the use of bridge fund monies for this project. She expressed these concerns before. It says in the letter that the road will be a temporary run-around for the people. She is just saying that she thinks it will have to come out of R&S funds. It is a permanent road, not a temporary structure. But she has no questions on the project itself.

The Chair entertained a motion.

Motion was made by Commissioner Borries that the agreement be approved, with a second from Commissioner Cox. So ordered,

Attorney Miller said the State wants us to return two (2) original signed documents.

Mr. Easley said he has nothing else to come before the Commissioners. Last week he was asked to check on some things and he can make a report on these next week, since he knows the Commissioners want to proceed with the agenda.

Conflict of Interest/County Engineer: Commissioner Cox said she has a question. She still would like to get in the minutes Mr. Easley's statement as of October 17th, to clarify his role from that date forward re eliminating conflict of interest. She has a copy of his statement with her today if he would read it into the minutes for clarification purposes.

Commissioner Willner asked that this just be given to the secretary to insert into the minutes. He asked Mrs. Cox if this would be sufficient?

Mrs. Cox responded, "As long as he understands what he says. Last week there was a question that he didn't understand. It does say very specifically that he "...will no longer submit subdivision street and drainage plans or any other document that I will ultimately review as County Highway Engineer."

Excerpt from News Release by Andy Easley on October 17, 1986:

" Therefore, as of this date, my private engineering firm will no longer submit subdivision street and drainage plans or any other documents that I will ultimately review as a County Highway Engineer. I can handle the lost income. I can only deplore the unsupported attacks on my reputation and my work, and the vicious attacks on Bob Willner that made this decision necessary.

R. Andrew Easley, Jr. P.E.
County Highway Engineer"

The Chair entertained further questions.

Sanitary Sewers/N. Green River Rd.: Commissioner Cox asked whether Mr. Easley has a report on the sanitary sewers on North Green River Rd.?

Mr. Easley said he has not received a report yet.

First Avenue Bridge: He did check on the flapgate at the northwest corner of the First Avenue Bridge and has reported same to John Vezozzo. He has said this is an item they will take care of. The rip-rap has fallen in and blocked the gate. It could have been the creek flow which caused that rip-rap to come loose. He said he considered that his responsibility.

Mrs. Cox queried Mr. Easley concerning the other maintenance on that bridge?

Mr. Easley said he is still studying that subsidence on the south side.

Mann Rd.: Commissioner Cox asked whether Mr. Easley has a report yet for Mr. Adler concerning erosion of banks and stabilization on Mann Rd.?

Mr. Easley said he does not yet have a recommendation to present. He was out there last week. There are a couple of alternates, and he needs to sit down with the Commissioners and discuss our continuing responsibilities.

Millersburg Rd.: Commissioner Cox asked Mr. Easley if a Mr. Hicks reached him concerning Millersburg Rd. and his driveway approach problems?

Mr. Easley said he has a price from J. H. Rudolph to do that. At one time, Mr. Bethel suggested that we have that done by Rudolph, because that is an item we agreed to do when the right-of-way was obtained for the Millersburg Rd. Bridge.

Commissioner Willner interjected, "And it should be paid for out of the bridge fund. But it needs to be done."

Woodbridge Place Right-of-Way: Mr. Easley said Mrs. Cox had inquired about Woodbridge Place right-of-way. In the summary of the road study done by Ohio Valley Engineers, there appears a Woodbridge Place right-of-way. It looks like the State says it is .17 of a mile and our records indicate .2 of a mile in Jennings Lane/Harmony Way.

Mrs. Cox asked "So it is a county-accepted road then?"

Mr. Easley responded in the affirmative.

Bridge Problems: Mrs. Cox asked if Mr. Esley is going to go ahead and address other problems on the bridges in 1986? We're getting out of the area for a good time to work on these and there were quite a few things in 1986 that we were to be doing to

our bridges. For instance, No. 6 Bridge/Montgomery Rd. In the report it said to close and remove it as soon as possible. A culvert was ordered and delivered in February and it has just been laying there.

Mr. Easley said "That is correct. We haven't had time for the bridge crew to put that in. They've been busy on other items."

Mrs. Cox continued, "And Baseline Rd., Mohr Rd., Broadway, Marx, Mill Rd -- every one of those -- we've done nothing. Bridge #177 on Koressel Rd. was to be done immediately and we haven't done that. I remember when you stood up here in January at our Commission Meeting and held that piece of rusty stuff in front of us and said you were going to get on this as soon as the weather breaks and you can get out and get all these things taken care of. They have not been taken care of."

Commissioner Cox interjected, "That is exactly where they are right now. They are on Green River Rd. where the piece of rust came from and they are going to stay there until it is done. Then they will go forthwith to some other place."

Mrs. Cox asked, "How much is this costing us? We had a lot of nice weather and we wait now until September to get out there and we've had a bridge crew of seven (it depends on what day and any illness) or how many working out there for three and a half or four weeks -- and in the report it said 'don't do this job'. It said to contract it out. And we are tying up all our crew out there on that project. And here we have a bridge on Koressel Rd. built in 1965 that says 'immediate improvements needed; epoxy and inject the cracked columns; seal the pier joints, etc. And it says to be done immediately. The criticism was that we weren't keeping up and repairing our bridges and we were going to do better. Gentlemen, we haven't done better. We haven't done better. I've been through those reports and I tried my best to find...."

Mr. Easley said, "I think we've painted a lot more bridges and done a lot more work and maintenance than they have in the past."

Mrs. Cox said, "Well, I don't know. But I have here that the crew spent 20 days in the yard at the County Garage cleaning up the garage yard. They spent 48-1/2 days cutting weeds. She has 28 culverts and pipes installed. They worked on rip-rapping eleven (11) days. Some of these are concrete bridges. She cannot find where any painting has been done except perhaps to paint orange on the approach of the bridge -- and they call that painting and that takes a whole day to paint the one approach? She's been down under a lot of these bridges; not every one of them. But she has driven and looked at every bridge and this is of concern to her. Winter is approaching and we're going to have more rains, snow and freezing and thawing -- We haven't taken care of our new First Avenue Bridge; and this is something we must do. And the four bridges on the federal report. She had to write the State to get an update on those. She received a reply and it said they haven't received any information from us except that we have complied with the signing and the follow-up inspection that was to have been done six months after the first inspection has not taken place. This is due to the fact that a visual inspection by the Federal Highway Inspector indicated that the maintenance has not been completed."

Mr. Easley queried Mrs. Cox concerning the date after the six months inspection?

Mrs. Cox said this would have been the middle of 1985. Mr Brenner was in charge...

Mrs. Cox interjected, "But you took them over January 1 and said they have done an ultimately lousy job; that is why we're going to take them over. And here we haven't done anything -- and

we're asking the Federal government to fund some of our bridges and we're not taking care of our Federal bridges that they funded in the past? I don't think they're going to give us any money."

Mr. Easley said the multiple culvert on outer St. Joseph Avenue has been repaired.

Mrs. Cox asked, "Did you look at those repairs?"

Mr. Easley said he thinks they did a satisfactory job of it. "Yes, I did look at it. I think anybody describing it as being sloppy is being very very nit-picky that's what I think."

Mrs. Cox said, "Andy, I'm not an engineer; but I can go out there and, as you say "eyeball" it. When you see water coming out of the cracks -- not going through the channel -- but coming out of the cracks of the concrete that they put around it spewing out -- and you call that good work? You also told me Speaker Rd. was a wonderful job and Westlake Drive and Daniels."

Mr. Easley said, "I didn't say 'wonderful' job; but it was narrow and they did a good job paving."

Mrs. Cox continued, "I asked you about the shoulders -- and they were fine. But, they weren't fine. That is why I ask you to again go out and look at this bridge. It isn't going to hold. They also said to bury the guard rails. You all did nothing to the guard rails."

Mr. Easley responded, "The guard rails have not yet been buried."

Mrs. Cox said, "That's what I'm talking about. We're not holding up our end."

Mr. Easley responded, "I think we're keeping up with it. With all the bridges we have and the small crew and all the guard rail that has to be corrected insofar as the end turned down."

Mrs. Cox said, "Well the four bridges I'm talking about are the Heckel Rd. Bridge, the two bridges on Green River and the one out on Outer St. Joe past Boonville-New Harmony. Those are the four that were written up by the Federal Inspector."

Mr. Easley said "I don't think they wrote up Heckel."

Mrs. Cox said, "Well check your bridge report; that is the one where they went around and put some kind of steel thing around it and that is all we've done."

Mr. Easley said, "We'd like to make repairs to that; but we really can't make repairs until this Heerdink Lane is constructed. We'll have to take that bridge out of service."

Mrs. Cox said, "Well, those are the concerns I have over our bridges."

Commissioner Willner asked, "Are you suggesting that we close that bridge before Heerdink Lane?"

Mrs. Cox responded, "That is just one of the bridges..."

Mr. Willner interjected, "Are you suggesting we do that now? There are eighteen (18) homes over there that have no way out."

Mrs. Cox said "You asked me a question. Are you going to let me answer it?"

Commissioner Willner said, "Go right ahead."

Mrs. Cox said, "When we talked about this, I thought we were going to build a road and we were also going to replace that bridge. That was my understanding. Not close the bridge but replace it. Now, have we changed?"

Commissioner Willner said, "We've got to have the road done first. That is exactly what we are doing. The man just reported that the State is going to do the road. Weren't you sitting there?"

Mrs. Cox asked, "What about the other three? And what about all these other ones on this 1986 report? That's one bridge and I have 12 if them here. One says, "immediately".

Mr. Easley interjected, "The report is for information purposes -- for the Commissioners to use to make administrative and management decisions. It should not be interpreted to make management decisions for us. If we choose to paint something with our local garage forces, we shouldn't be criticized for not following their report to the letter."

Mrs. Cox responded, "Well, we haven't done anything in the report. We haven't done any of those in 1986, Andy, and I challenge you to prove to me that we have. I've been out. I don't know if you all have read your bridge report or been out and looked at your bridges --

Commissioner Willner said, "Thank you, Andy."

RE: BIDS - MATERIAL SPREADERS

Attorney Miller read the bids received on the material spreaders, as follows:

Deeds Equipment Co., Inc./Lawrence, IN: Two(2) highway material spreaders Model E2020-12. Unit price \$6,676.88. Total price, \$13,353.76. Delivery - 30 days. Price includes special cut-out in the spreader to accommodate telescoping bed cylinder. Bid is in order. (It was noted by Attorney Miller that the bid is very nicely packaged, different from most.)

Rudd Equipment Co./Evansville, IN: Two (2) new Flink Model LMC-5 Spreaders for dump body mounting. Unit price \$7,454.00. Total price, \$14,908.00. Bid is in order.

Reid-Holcomb Co./Evansville, IN: Two (2) Henderson Chief Salt spreaders for dump body mounting. Models FSH-12. Unit price, \$6,688.45. Total price, \$13,376.90. They also provide an alternate bid for a stainless steel unit (he doesn't believe stainless steel was part of the specs) at a unit price of \$8,223.59. Total price, \$16,447.18. Bid is in order.

Meyer Equipment Co./Evansville, IN: Two (2) Flink LMC-5 12 ft. salt spreaders (exactly as per specs). Unit price, \$6,347.00. Total price, \$12,694.00. Bid is in order.

Hendrickson Enterprise, Inc./Boonville, IN: Two (2) 1986 Flink Model LMC-5 spreaders, dump body mounted. Bid is not in order because the bond is not in order. The bid bond follows the same practice that Hendrickson Enterprises has followed consistently and none of its bids are in order because of the bid bond. But the bid amount on two (2) 1986 Flink LMC-5 spreaders is as follows: Unit price, \$8,625.75; total price, \$17,251.50.

RE: BIDS - SNOW PLOWS

Attorney Miller read the bids received on snow plows as follows:

Hendrickson Enterprises, Inc.Boonville IN: Again bid is not in order. However, bid is on Flink (MBT) snow plow. Unit price, \$5,583.25; Total price, \$11,170.50.

Deeds Equipment, Inc./Lawrence, In: Two (2) Root snow plow, Model RT-62-12. Unit price, \$4,338.20; Total price, \$8,676.40. Bid is in order.

Rudd Equipment Co., Inc./Evansville, IN: Two (2) Flink Model MBT snow plows. Delivery 30-60 days. Unit price, \$5,183.00; Total price, \$10,366.00. Optional equipment - PF91 hitch for use with tilt cab truck, add \$96.00 to each unit. Bid is in order.

Reid-Holcomb Co., Inc./Evansville, IN: Bidder sent only an empty envelope.

Meyer Equipment Co./Evansville, IN: Two (2) Flink 2PR12-42-5-B snow plows (specs exactly as listed on bid sheet). Unit price, \$4,539.00; Total price, \$9,078.00. Optional hitch for use with tilt cab, add \$83.00 per unit. No delivery date is set forth.

The Chair entertained a motion. Motion was made by Commissioner Borries that the County Highway Department take bids on salt spreaders and snow plows under advisement (together with Purchasing Department) and come back to the Commissioners in one week with their recommendations. Second to the motion was provided by Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECKS

Wells Cable T.V.: Check in amount of \$93.99 for franchise fee for period July, August and September 1986. Motion was made by Commissioner Borries that the check be accepted, endorsed and deposited into the County General Fund. Second to the motion was provided by Commissioner Cox. So ordered.

Evansville Cable T.V. (UACC Midwest Cable System of Indiana): Check in the amount of \$20,751.37 for franchise fee for period July, August and September 1986. Motion to accept check and endorse same for deposit into County General Fund was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: COUNTY CLERK - MONTHLY REPORT

President Willner presented monthly report from the Clerk of the Circuit Court for period ending September 29, 1986.....report received and filed.

RE: OLD BUSINESS

The Chair entertained items of old business for discussion. There were none.

RE: SCHEDULED MEETINGS

Monday	Oct. 27	4:30 p.m.	Drainage Board Meeting
Tuesday-Friday	Oct. 28-31		Employee Insurance Mtgs. 9:00-11:00 a.m.

(Mrs. Cox noted the Commissioners still haven't made a decision as whether the county is just going to let employees pay entire amount or whether the county will pay a portion of insurance for retirees who are leaving.)

RE: RESOLUTION OF CONGRATULATIONS - BRIAN RITZ

Commissioner Cox asked whether the Board would consider adopting a Resolution of Congratulations to Brian Ritz of Evansville Day School for the State Tennis Championship. Commissioner Willner requested that Mrs. Meeks send Resolution of Congratulations to Brian Ritz.

Eichoff Rd.: Mrs. Cox said she has a report back on the Eickhoff family and mis-spelling of Eichoff Rd. Barbara Cunningham did a very nice job of researching this. She went back to 1880. Mrs. Cox said she does not know how old Mr. Eickhoff was in 1853. The spelling of Eickhoff does not match up with plat books and maps available. Mrs. Cunningham said they could seek a name change from the County Commissioners. This is what the Eickhoffs were doing -- asking the Commissioners to change the name or correct spelling of "Eichoff" Rd. to "Eickhoff" Rd. Mrs. Cunningham tells us that we would need to do this in ordinance form and file it with the County Auditor and Public Hearing would be required. If there is no objection from the Board, Mrs. Cox would like to see us proceed with the ordinance. This means a lot to the Eickhoff family.

President Willner said he has no problems with this; he just needs to do his homework.

RE: REPLACEMENT OF CULVERT - CLOVER DRIVE

Mr. Easley directed the Commissioners' attention to the culvert on Clover Drive which needs to be replaced. It is undersized. He has a set of specs and plans and would request permission to advertise for bids on this. We're going to remove 27 inch culvert and install a 45 inch by 29 inch elliptical. Installation is to be by contract. At the same time, the Drainage Board is going to request bids for cleaning portion of Sontaag Ditch which runs parallel -- and make this a joint project.

Commissioner Willner asked how we will pay for this?

Mr. Easley said this is a relatively small project. Everything in the right-of-way of Clover Drive will be done with bridge funds and everything in the ditch will be done with ditch funds per Bill Jeffers, Chief Deputy Surveyor.

The Chair entertained a motion.

Motion was made by Commissioner Borries that Mr. Easley be authorized to advertise for bids on replacement of culvert, with a second from Commissioner Cox. So ordered.

RE: CLAIMS

It was announced by President Willner that there are no claims to be presented today.

RE: EMPLOYMENT CHANGES

Superior Court (Releases)

Deborah L. Ray	Court Reporter	\$18,757/Yr.	10/27/86
(Maternity Leave)			

Recorder (Appointment)

Sally A. Dicks	Mtg. Clerk	\$12,800/Yr.	10/27/86
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Election Office (Appointments)

Doris E Cato	Dep. Clerk	\$4.54/Hr.	10/22/86
Sylvia Loviscek	Dep. Clerk	\$4.54/Hr.	10/23/86

Land Commission (Releases)

Ruth E. Lawrence	Clerk	\$35.00/Day	10/16/86
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Land Commission (Appointments)

Victor Funke	Board Member	\$45.00/Day	8/13/86
Raymond H. Schmidt	Board Member	\$45.00/Day	8/13/86
Ralph E. Koressel	Board Member	\$45.00/Day	8/13/86
Peter Gach	Board Member	\$45.00/Day	8/13/86
Danny M. Spindler	Board Member	\$45.00/Day	8/13/86
Jewell L. Merritt	Board Member	\$45.00/Day	8/13/86

RE: BIDS ON MINI-VAN/SHERIFF'S DEPARTMENT

The Chair recognized Mr. Tom Dorsey, Purchasing. Mr. Dorsey reported that the low bid on Mini-van for Sheriff's Department was D Patrick with a bid of \$10,200.00. However, there was an exception on the bid concerning the seats. In talking with the Commission's County Attorney, he suggested that they take the bids under advisement for a week to give them an opportunity to talk with the other vendors concerning the price difference concerning the seats specified and the seats offered in the low bid before a decision is made.

Commissioner Willner said that since there is \$1,000.00 difference, he concurs. A motion was entertained.

Motion was made by Commissioner Borries that the awarding of bid on mini-van for Sheriff's Department be delayed for one (1) week, with a second from Commissioner Cox. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:15 p.m., with announcement that there will be a five (5) minute recess before reconvening for Drainage Board Meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries Shirley J. Cox	Alice McBride	David V. Miller

<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>COUNTY SURVEYOR</u>
Andy Easley	Bill Bethel	Bill Jeffers

<u>AREA PLAN</u>	<u>EUTS</u>
B Cunningham	Rose Zigenfus

OTHER

Stephen Weitzel, Atty.
Keith Wallace, Atty.
Louise Hall, Pigeon Trustee's Office
Audrey Miller, Poor Relief Applicant
News Media
Several Bidders

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 3, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 3, 1986, in the Commissioners Hearing Room with President Robert Willner presiding.

Since it was the first meeting of the month, Sheriff Shepard called the meeting to order and declared the Commissioners in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Willner said he has the minutes of the October 20th meeting for approval at this time. Due to computer problems, the minutes of October 27th are not yet ready and approval will be deferred until next week. A motion was entertained.

Commissioner Cox said she had not had an opportunity to review the minutes yet. Commissioner Borries concurred that the approval of minutes be deferred until next meeting.

RE: BIDS ON MINI-VAN - SHERIFF'S DEPARTMENT

It was noted by Commissioner Willner that there were questions last week concerning the seats. D. Patrick was the low bidder.

Mr. Tom Dorsey said they took the bids under advisement last week pending receipt of information from the various vendors in the difference in cost between the high back and normal seats that are bid. Two vendors have responded to date: Hendrickson Enterprises, Inc. and Tom Wood Pontiac. Cooke Chevrolet indicated that they would not submit a cost difference. He also has not received cost difference from Kenny Kent Chevrolet. Since Kenny Kent could conceivably be low bidder if we do not accept that bid and we choose not to defer from the specifications, it is his recommendation that we wait until we receive costs from the various vendors.

The Chair entertained questions.

Commissioner Cox asked what happens to the old van?

The Sheriff's representative said it was purchased by one of the Kiwanis Clubs and is in such bad shape that Officer Moser said it probably would just be junked out. They have fixed it three times insofar as sheet metal; the universal joints are out of it; the floor is rusted out. He would imagine that they will discard it.

Commissioner Cox asked, "You mean it will just revert back to the county to sell as surplus?"

The representative said, "Yes; since no one has any claim on it it belongs to the Sheriff's Department."

Commissioner Cox asked if the representative knows about the other Sheriff's cars which have been replaced? What happens to those old ones?

Commissioner Willner said we have those out at the County Highway Department and he believes Mr. Bethel is working on a couple of them. A motion was entertained to defer the accepting of bids on mini-van for the Sheriff's Department for one (1) week.

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

RE: AUTHORIZATION TO OPEN PROPOSALS ON SEABOARD RAILROAD
UNDERPASS ON "B" STREET

The Chair entertained a motion to authorize the County Attorney to open proposals received on Seaboard Railroad Underpass on "B" Street.

Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. Commissioner Willner said three (3) proposals were received which were very lengthy, and he would ask that the Attorney condense same.

RE: UNITED WAY - TASK FORCE RE HILLCREST-WASHINGTON HOME

Commissioner Willner said he received a letter from United Way re an update on their study concerning the Washington-Hillcrest Children's Home. He has duplicated that study and will distribute copies to the Commissioners, the Auditor and the legal secretary. He sees no reason to keep it confidential, but he does not want to read it into the minutes at this time. The Commissioners will be discussing the matter as soon as they have had an opportunity to digest the letter.

RE: REQUIREMENT FOR PROFESSIONAL ENGINEERING SERVICES -
AUDITORIUM

Commissioner Willner stated that he has the legal advertisement re requirement for Professional Engineering Services for study at Vanderburgh Auditorium and it does meet the statute requirement.

RE: TRAVEL REQUEST - AREA PLAN

Commissioner Willner said he has a travel request from Mrs. Barbara Cunningham, Director/Area Plan Commission, which states she is requested to attend a Workshop for Planners being sponsored by the Indiana Planning Association to be held at Indiana University in Bloomington on November 7, 1986. She is also asking to take two APC staff members. Her only expense for the workshop will be \$10.00 registration for the two staff members. She is also requesting permission to take a county vehicle. The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Cox that the request be granted, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of Weekly Work Report for employees at the County Garage for period October 27 thru October 31, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Outer Darmstadt, Grace Lane, Fisher and Old 460

Back-Hoe: Heinlein (widened road four feet)

Paved: Schillinger, Fisher Rd.

Patched: Red Bank, Schroeder, Sunrise, Mesker Park Drive, Detroy Rd., Park, Boonville-New Harmony, Pine Place, Pinehurst Drive, Cherry Lane, Maple Lane and Whetstone Rd.

Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Worked on bridge on Old State and Wortman Roads
- Painted bridge on Green River Rd.
- Unstopped culvert pipe on Rosser & Felstead Rd.

- Rip-rapped Hitch-Peters Rd.
- Built drop-box at Peerless & Syls Drive
- Repaired guard rail on Wimberg

Weekly Absentee Reports: Mr. Bethel also submitted Weekly Absentee Reports for both the County Garage and the Bridge Crew for the same period.....reports received and filed.

Paving Program: President Willner queried Mr. Bethel re the status of the paving program. Mr. Bethel said he finished Fisher Rd. and Heinlein Rd.

The Chair entertained questions.

Commissioner Cox said she believes the Board is due a report today from SIGECO re the repairs due on Smith-Diamond and West Franklin Roads.

Mr. Bethel said he gave this to the SIGECO representative and to this date he has heard nothing.

Mrs. Cox said that two or three weeks ago he said he turned the information over to SIGECO and if he didn't hear anything in two weeks we should file a suit.

Mr. Bethel said he thinks we should turn this over to the County Attorney.

Mrs. Cox asked, "Have they just not responded?"

Mr. Bethel said, "That is correct."

Commissioner Willner requested that Mr. Bethel bring the letter that he wrote to the sub-contractor to next week's meeting for the Commissioners' perusal and a decision can be made at that time as what course to pursue.

Sheriff's Vehicles: Mrs. Cox then queried Mr. Bethel concerning the Sheriff's vehicles that were replaced. Commissioner Willner said they were all at the County Garage.

Mr. Bethel verified this as correct. In response to question from Mrs. Cox as to what is going to happen to those vehicles, Mr. Bethel said they will have a sale as soon as he can get everything together and a lot of them will be sold. They are trying to fix up some of them. In response to query from Commissioner Willner as to the total number of vehicles involved, Mr. Bethel said he took one and fixed it for himself. If he is not mistaken there are four vehicles, but he will check this to be certain.

Commissioner Cox asked, "Do we need a letter of assignment for these vehicles? Does Mr. Bethel have one now that he is using? Mr. Bethel responded that he is using one. The one he had he gave to his assistant and he took his assistant's truck and gave it to one of the bridge crew members.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

President Willner announced that Mr. Easley was in the office this morning but went home ill with the flu. If anyone has anything for Mr. Easley, please see Jim Lindenschmidt and he will pass it on to Mr. Easley.

1st Avenue Bridge: Commissioner Cox said we need to make sure that the rip-rap is out of those flap gates on 1st Avenue Bridge. Andy reported last week that he had turned this over to the City; but that isn't the city's responsibility. If it isn't ours (and she feels it is ours) it would have to come under the Corps of

Engineers. She doesn't think the city has any responsibility there at all. All that rip-rap has fallen down on those flap gates and if we have a heavy rain, the water is not going to be able to get out to the creek and we're going to flood General Foods, etc.

Sanitary Sewers/Green River Rd.: The other pressing item concerns the sanitary sewers on Green River. She keeps reading in the paper about the Green River Rd. area being developed more and more. We need an answer on those sanitary sewers in that area and what they can carry or hold, because we have problems with them out there right now.

Schutte Rd.: Mrs. Cox said she looked at Schutte Rd. There are a couple of cracks that they missed; but along the shoulder of the road they couldn't fix that. We need to get out there and fix Schutte Rd. along the sides before winter hits.

RE: BAILMENT FOR RENTAL OF TABLES & CHAIRS FOR GENERAL ELECTION

Commissioner Willner said he has the Bailment for rental of tables and chairs for the General Election from the Auditorium, which requires the Commissioners' signatures. The price the Election Board needs to pay is \$25.00 for tables up to twenty-five (25) and thereafter one (\$1.00) each. Chairs are \$25.00 for up to fifty (50) chairs, thence fifty (50 cents) per chair thereafter. A motion was entertained.

Motion was made by Commissioner Borries that the Bailment be signed, with a second from Commissioner Cox. So ordered.

RE: ACCEPTANCE OF CHECK

President Willner presented an insurance check in the amount of \$628.00 from Island Group, Ltd. This was a Federal Excise Tax Refund. When the Burdette Park water park liability policy was issued, the insurance charged \$628.00 in Federal Excise Tax. They subsequently were advised that this tax was not to be collected by the company. Hence, the refund. Mr. John Hodge has said that any liability for this tax is the responsibility of the County; but he cannot locate any requirement for payment, so he feels no action is necessary at this time. A motion was entertained.

Motion was made by Commissioner Borries that the check be accepted and endorsed for deposit into the County General Fund, with a second from Commissioner Cox. So ordered.

RE: OFFICE CLOSINGS

It was announced by President Willner that all County offices will be closed on Tuesday, November 4th, for the General Election.

RE: OPENING OF "B" STREET PROPOSALS

Mr. Paul Black, who was sitting in for County Attorney Miller, said there were three (3) proposals received. He pointed out that these are not bids; rather, they are qualifications and proposals pursuant to the newspaper advertisement for same. The three proposals appear to be in appropriate form. They are from: Riley, Park, Hayden & Associates of Louisville, KY; Howard Needles, Tammen and Bergendorf, Indianapolis, IN; and the third is from Hayes, Seay, Mattern and Mattern, Roanoke, VA. There are sufficient copies for the Commissioners.

The Chair entertained a motion to authorize the County Engineer to review proposals and subsequently offer the Board his recommendations.

Motion was made by Commissioner Borries that the proposals be referred to the County Engineer for his study and recommendations, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Cox, Attorney Black said there were no dollar amounts quoted; just qualifications and proposals.

Validity of Publication involving Ordinance: Attorney Black said Attorney Miller had received an inquiry concerning the validity of publication involving ordinance that will be coming before the Commission on November 17, 1986, involving the Vanderburgh County Cable T-V Franchise Assignment. They have approved the publication requirement that appeared October 31, 1986 and which will appear again November 7, 1986 in both the Evansville Courier & The Evansville Press.

Claim/Samuel C. Hansen, Jr.: Attorney Black said that Mr. Hansen was an expert witness on behalf of the County in litigation involving Southwest Engineering and Vanderburgh County. Litigation was settled prior to the actual court date. It has been resubmitted in claim form for deposition expenses. Amount is \$100.00. It has been recommended for approval by the County Attorney.

Motion was made by Commissioner Borries that the claim be paid with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

Mr. Dorsey said that at the last meeting bids were opened for snow plows and salt spreaders for the County Highway Department.

Commissioner Willner asked if Mr. Dorsey has a recommendation?

Mr. Dorsey said the low bidder met the specifications in each case. The low bidder for the snow plows was Deeds Equipment Co. and their bid for the two (2) was \$8,676.40, F.O.B. delivered. Should the highway need it, there is also an additional cost of \$450.00 per plow for a tilt-type hood. With the addition of that \$450.00, they are still low bidder.

Mrs. Cox queried Mr. Dorsey re delivery date. He said none was listed. Mrs. Cox asked if we can check to determine delivery date? He said he is in the process of checking. They did include a date of delivery on their material spreaders, which was thirty (30) days. But they didn't include it on this bid and he is still awaiting the information.

Following further brief discussion, it was the concensus of the Board that the awarding of bids be deferred one (1) week until information on delivery date is available.

With regard to low bid on salt spreaders, Mr. Dorsey said the low bid came from Meyer Truck Co. He is also waiting delivery information from them. Their bid was \$12,694.00.

The Chair entertained a motion to defer acceptance of bids on salt spreaders and snow plows for one (1) week.

Motion to this effect was made by Commissioner Cox, with the stipulation that Mr. Dorsey contact all bidders and ask them for delivery dates. Mr. Dorsey verified that he has already done that. A second to the motion was provided by Commissioner Borries. So ordered.

RE: SCHEDULED MEETINGS

Wednesday
"

Nov. 5
"

2:30 p.m. Area Plan Meeting
County Council Meeting

Wednesday Nov. 5 4:00 p.m. United Way (Court Bldg., Room 126; Commissioners asked to attend)

Commissioner Borries commented that while Messrs. Jim Lindenschmidt and Mark Tuley are not the same age, they share a common birth date (Wednesday, November 5th). Commissioner Willner also has a birthday on Saturday, November 8th. He said he'd like to take this opportunity to wish all three individuals a Happy Birthday!

With regard to the United Way meeting, President Willner said that if any of the Commissioners cannot attend, perhaps they can ask Jim Lindenschmidt to cover for them. He already knows that he cannot be present.

RE: EMPLOYMENT CHANGES

Treasurer's Office (Appointments)

Mary Jo Mooney	Clerk	\$35.00/Day	10/27/86
Laura Martin	Clerk	\$35.00/Day	10/27/86
Mabel Winkler	Clerk	\$35.00/Day	10/27/86
Marlene R. Brannon	Clerk	\$35.00/Day	10/27/86

County Council (Appointments)

Alan M. Kissinger	Attorney	\$10,540/Yr.	10/22/86
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Prosecutor (Releases))

Debra Day	Para-Legal	\$12,000/Yr.	11/3/86
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Prosecutor (Appointments)

Debra Day	Para-Legal	\$13,000/Yr.	11/3/86
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Co-Op Extension Service (Appointments)

Robert C. Kimbrough	Part-Time	\$35.00/Day	11/3/86
Linda J. Thomas	Secretary	\$12,800/Yr.	11/3/86

Co-Op Extension Service (Releases)

Debra Bivins	Secretary	\$13,012/Yr.	10/23/86
Mary E. Roach	Part-Time	\$31.00/Day	10/31/86
Michael Boenick	Part-Time	\$25.00/Day	10/31/86
Linda J. Thomas	Part-Time	\$20.00/Day	10/31/86

Burdette Park (Releases)

Laural Martin	Receptionist	\$4.35/Hr.	10/26/86
Greg Bruce	P.T.G.C.	\$4.00/Hr.	9/11/86
Charles Coleman	P.T.G.C.	\$4.35/Hr.	10/25/86
Sally Behme	Rink Cashier	\$4.00/Hr.	10/6/86
Jeff Craft	P.T.G.C.	\$4.30/Hr.	10/5/86
Frank Current	P.T.G.C.	\$4.00/Hr.	10/6/86
Scott Buedel	P.T.G.C.	\$4.00/Hr.	10/6/86
Roy Bissey	P.T.G.V.	\$4.00/Hr.	10/10/86
James Jones	P.T.G.C.	\$4.00/Hr.	10/14/86

The Chair entertained further matters of business to come before the Board at this time. There were none.

President Willner urged that everyone have a Good Election Day.

Meeting adjourned at 4:05 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner R. J. Borries Shirley Cox	Alice McBride	Paul Black (for David Miller)
	<u>COUNTY HIGHWAY</u>	<u>PURCHASING</u>	
	Bill Bethel	Tom Dorsey	
	<u>OTHER</u>		
	Betty Lou Jarboe News Media		

SECRETARY: Joanne A. Matthews

Robert L. Willner, President

Richard J. Borries
Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 10, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, November 10, 1986 in the Commissioners' Hearing Room, with Vice President Rick Borries presiding. President Willner was out of town on vacation.

Commissioner Borries said that he and Commissioner Cox have not read the minutes of October 27th meeting so approval of same will be deferred until next week. However, they are prepared to act on minutes of meeting held on October 20th. A motion was entertained.

Motion was made by Commissioner Cox that the minutes of October 20th be approved, as engrossed by the County Auditor, and the reading of same be waived, with a second from Commissioner Borries. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS - HARMONY WOODS
SUBDIVISION, SECTIONS A & B

The Chair recognized Ms. Eileen Stanley, who was present for purpose of requesting waiver of sidewalks in Harmony Woods Subdivision, Sections A & B. Ms. Stanley presented copy of plat to Commissioners Borries and Cox for their perusal.

Mrs. Cunningham noted that sidewalks are considered an improvement and they need either to be waived by the Commissioners or they need to be put in prior to release.

It was noted by Ms. Stanley that Lots Nos. 1, 4 and 5 have highway access. The asphalt streets are already in place, with no curbs or gutters. The streets were built according to County specifications, but have not yet been accepted by the County.

Mr. Jerry Nord, who was with Ms. Stanley, pointed out that another nearby subdivision (Charmar Estates) has no curbs, gutters or sidewalks.

There were brief comments concerning acceptance of streets. Commissioner Borries stated that the acceptance of streets will have to be considered at some future date. Ms. Stanley reiterated that the only thing she and Mr. Nord are requesting today is waiver of sidewalks.

Following brief discussion, the Chair entertained a motion.

Motion was made by Commissioner Cox that the request for waiver of sidewalks in Harmony Woods Subdivision Sections A & B be approved, with a second from Commissioner Borries. So ordered.

RE: AWARDING OF CONTRACT FOR SNOW PLOWS, SALT SPREADERS &
MINI-VAN FOR SHERIFF'S DEPARTMENT

Commissioner Borries said Mr. Tom Dorsey from City-County Purchasing Department is present concerning contracts to be awarded for snow plows, salt spreaders and Mini-Van for Sheriff's Department. He has some correspondence from Mr. Dorsey concerning the vendors, prices and delivery dates. Does Mr. Dorsey have recommendations now that he has completed his investigation?

Salt Spreaders:

Mr. Dorsey said Commissioner Cox had requested information concerning delivery dates last week. The low bidder for the two salt spreaders was Meyer Truck Co. with a price of \$12,694.00. Delivery time was approximately 45 days. Delivery time varied from two to three weeks up to sixty (60) days. His recommendation still would be to go with Meyer Truck Co., the low bidder.

The Chair entertained a motion.

Motion was made by Commissioner Cox that upon recommendation of the Purchasing Department that the contract for two (2) salt spreaders be awarded to Meyer Truck Co. in the amount of \$12,694.00 and delivery in 45 days, with a second from Commissioner Borries. So ordered.

Snow Plows:

Mr. Dorsey said the low bidder on snow plows was Deeds Equipment Co.; bid was \$8,676.40 with estimated delivery date of thirty (30) days. Mr. Dorsey said he might mention that Meyer Truck Co. did contact his office and indicate that if they were awarded both items, they would reduce the price by \$250.00, since that would be a freight charge that they would not have to pay. The reduction of \$250.00 on both items still does not bring it below the total of the items being awarded separately. Therefore, his recommendation would still be to award the contract for the snow plows to Deeds Equipment at the bid price of \$8,676.40.

The Chair entertained a motion.

Motion was made by Commissioner Cox that the contract for the snow plows be awarded to Deeds Equipment Co. in the amount of \$8,676.40, with a second from Commissioner Borries. So ordered.

Mini-Van:

Mr. Dorsey said if the Commissioners will recall, there was some concern expressed at the last meeting re the low bid. The low bidder was D. Patrick at a cost of \$10,200.00. They had bid in accordance with specs with the exception that the seats would not be high back seats. When the bids were opened at the meeting, it was suggested that he contact each of the vendors to determine the cost difference in the seats. He has that information available.

Tom Wood Pontiac: They indicated that the decrease in their bid would be \$56.00 per unit, with revised bid being \$10,987.00.

Hendrickson Enterprises, Inc.: They indicated a reduction in their bid price of \$40.80. However, they did not indicate whether or not that is the unit cost. Even if it is per unit, it would still be higher than the bid received from D Patrick.

Kenny Kent Chevrolet: The final bid received is from Kenny Kent Chevrolet, who indicated a reduction in their bid of \$44.20. They also do not indicate whether that is per unit or for both. At a reduction of \$44.20, their bid would be \$11,032.67. If the Commissioners choose to waive the requirement on the high back bucket seats (which he believes is the preference of the Sheriff's Department), then the low bidder is D. Patrick at \$10,200.00.

Sheriff Shepard approached the podium and said it is his recommendation that the Commissioners accept the low bid from D. Patrick. As a result of query from Commissioner Cox, it was subsequently determined that the bid was not properly executed and the awarding of same would be deferred until later in the meeting, after Sheriff Shepard obtained proper signature.

RE: APPROVAL OF SPECS FOR CALCIUM CHLORIDE, LIQUID ASPHALT
& GUARD RAILS, TERMINAL END SECTIONS, ETC.

It was noted by Mr. Dorsey that he has the specs for calcium chloride, liquid asphalt, guard rails, terminal end sections, etc. They are the same as in the past, with the exception that he must obtain new State requirements from Mr. Easley concerning the guard rails, etc. All requirements must meet the State Highway specifications. He also needs to obtain estimates from Mr. Easley concerning quantity required. At this time, he is requesting permission to advertise for bids on the aforementioned, as soon as the specs have been finalized.

Commissioner Cox noted that we will also require some sealant to put on the roads which have just been resurfaced. They haven't been sealed and we did quite a bit of that. She would suggest that Mr. Dorsey check with Mr. Easley to see what type of material this would require. The City has done a lot of resurfacing on city streets, also, and they may very well want to go back and put some type of sealant on those to buy some life.

Mr. Dorsey said he believes they do use a sealer. Offhand he cannot recall whether that is a bid item on the City's part. Normally what has happened in the past is that the City has had some items bid out because of the items they use - and the County has had some items they bid. For instance, on the asphalt, the county purchases off the City's bid. But he will check with Messrs. Easley and Bethel on this item.

Commissioner Cox asked whether Mr. Dorsey has culverts, also? Mr. Dorsey said he does not.

The Chair entertained a motion.

Motion to approve specs and advertise for bids for calcium chloride, asphalt, sealant, guard rails, etc., as soon as specs have been finalized, was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: EUTS

Commissioner Borries said that Mrs. Rose Zigenfus of EUTS is present to give the Board an overview and update on the transportation network changes and proposals for the Green River Road area and on the county's portion of cost on Covert Avenue. Mrs. Barbara Cunningham of Area Plan has worked with Mrs. Zigenfus on the proposals on the Green River Road area between Division or S.R. 66 and S.R. 62 (Morgan Avenue).

Mrs. Zigenfus said that because of the rapid commercial growth and residential use and recent rezonings for that area, they have put together a transportation network that they feel will accommodate the increased traffic generated by the increased development. Mrs. Cunningham said she might add that they have one rezoning that will come to the Commissioners on December 17th in this area. And they have two rezonings that will be coming to the Commissioners in December, and there are possibilities of more. They are currently working on a site impact study in this area. It is not completed; but some of the policies that the Commissioners approved (frontage road policy and extension of roads, etc.) will be the same in this impact study as in the North Green River Rd. site impact study.

Mrs. Zigenfus proceeded to explain the transportation network by designating network on map. The State is building a frontage road to complement the Russell Lloyd Expressway project. With that, Wal-Mart is coming in at designated location and they have agreed to build frontage road and tie into the State's project and then bring it across to tie into the existing Virginia Street. It will also tie into Fielding Rd. at designated point. It is then proposed that as development occurs, we would be

requesting that developers share in cost of dedicated right-of-way and construction costs to construct Royal Avenue to tie in where it already exists. This would give us a north-south corridor. It is already proposed that Virginia and Vogel Rd. be extended. We would also be looking at extending portion of Columbia Street. Mrs. Cunningham offered comments, but they were inaudible.

Continuing, Mrs. Cunningham said another thing discussed was that the number of curb cuts on Burkhardt Rd. should be limited and a frontage road should be implemented whenever possible with access from other areas. They will welcome further suggestions.

Commissioner Cox said she thinks it is excellent planning to have this down on paper and to protect those areas. Mrs. Cunningham mentioned Burkhardt Rd. We should try to protect that area with a frontage road where possible. She knows there is some development going on along there and already happening. She suggests that Mrs. Cunningham get the frontage roads down on the plans so someone doesn't forget about them. Mrs. Cunningham said they won't forget about them. Mrs. Cox said no one is indispensable and she thinks this is what has happened with some of our plans in the past -- that they haven't been down on paper. Mrs. Cunningham said they will put it in the site impact study. This will all be a part of the site impact study but they just do not have it finished.

Commissioner Cox said the other concern she talked about previously was the condition of our sanitary sewage stations out in that area. We're going to have to move immediately, as is the City, to get some correction there. Even if it takes participation on the county's part with some dollars and cents, we must get this on target -- because it is not going to carry the load that is out there without some improvement. We don't want businesses to come out there and experience problems or cause other problems for what we already have going on. This has to be addressed. It is something we just have to sit down and get worked out.

Commissioner Borries asked if Mrs. Cunningham is in touch with them concerning their sanitary sewers? Mrs. Cunningham said that this will be included in the site impact study. They haven't yet had time to contact the utilities to determine just what is there, etc. But they will be working on that.

Mrs. Cox said she is sure Mrs. Cunningham sees her point. Mrs. Cunningham is talking about rezonings which will be coming to the Commissioners; yet, in the last documents she gave the Commissioners it was pointed out that what we have out there right now cannot carry the existing load. So, what do we do?

Mrs. Cunningham commented that area north of the area under discussion was the area that needed to be addressed. But Mrs. Cox is correct, the sanitary sewers need to be addressed and when they have finished the site impact study, they will have all that information.

Attorney Miller said that as he understands it from clients he has had, he has not heard of any sanitary sewer problems in area northwest of Morgan Avenue and Green River Rd. He believes that was pretty thoroughly investigated when Eastland Mall was built.

Mr. Easley said that Attorney Miller is correct. The Commissioners had asked him to look into the sanitary sewage capacity out there. He had a brief conference with Don Mills last week and he said that The Timber Apartments project has a privately constructed pumping station that shares a forced main with the Evansville Day School and they had some capacity problems. They have a sewage collection system within The Timbers that has never been accepted by the City Utility Board and neither has the pumping station. He said that the area (Sugar Mill and the east side of Green River Rd.) is on an

entirely different pumping station and has no capacity problems. He said the problems out there are The Timbers' making. They do not have enough pumping capacity to serve The Timbers. He said he would write the necessary letter explaining this, but if we have specific questions we probably should address them to him. The sewer utility is charged with the responsibility to get the city sewage for those parcels within the city and the county that are connected to the system and convey that sewage to the waste water treatment plants. And he thinks that normally the growth of the sewage collection system and the capacity of the pumping stations is increased to meet the demand. If the Commissioners see fit to rezone a piece of property, the Sewer Utility Board will see that that property sewage is collected, because if they can't solve their sewage collection problem they don't get a building permit. You have to show that you have paid your tap-in fee before you get a building permit. Don Mills assured him that they will not take the tap-in fee unless they are satisfied with the system. He said this came up with one of the developers on the east end of town. If they can't handle the sewage, they will not take the tap-in fee.

Mrs. Cox asked, "Where does that leave the person then who has put in a system according to State or local standards - who has gone to the expense to put the system in? And the city can then say afterwards 'we can't handle it, we're not going to take you'. Is this this what you are saying?"

Mr. Easley responded, "I don't know whether this has come up. But as Don Mills explained it in the past there have been some extensions built that were improperly constructed; the plans were never submitted to the Utility Board; the plans were never submitted to the State Board of Health, which requires a permit before you can extend a municipal sewer system and they didn't follow the procedure. He has assured Mr. Easley now that they do not even look at a set of plans unless they have been approved by the State Board of Health and they have their SPC (Stream Pollution Control) permit. He said it is working pretty well. He also said there had been developers who he knows for a fact got the drywall contractors to extend the sewer; they did it without a plan and this has caused a lot of problems. Mr. Easley said that if people will go through the procedure to get a sewer constructed and accepted, the city will inspect it and he believes they will take it over.

Commissioner Borries asked, "In other words you're saying that where this one private lift station is, in effect, they violated the ordinance by doing it the way they did?"

Mr. Easley said Yes; it was improperly designed...."

Commissioner Borries asked, "What does the city do -- the Utility Department? How are they working to see that this doesn't happen again? Or is there a system of fines or some kind of penalty for someone who would do this?"

Mr. Easley said he can't answer that. Perhaps we should ask Don Mills to come say a few words about their policing action. That is a good question.

Commissioner Borries said "Well, the tap-in fee is paid by the person and we know that part is going to be funded; but we want to see if the lift stations are adequate."

Mr. Easley reminded the Commissioners of the Elmridge Subdivision situation. The city kept taking the tap-in fees and the poor homeowners were out there collecting money to try to bring the pumping station up to standard because the developer went bankrupt and went south. He thinks they have been criticized for their procedures; yet, they are up there taking the tap-in fees and collecting a monthly sewer charge and the poor homeowners are trying to maintain the pump station. He think they finally took that one over and he believes they are playing catch-up in all

the critical areas. But Commissioner Borries' concerns are very valid and it may be that Mr. McIntyre or Mr. Mills might be willing to comment on how they are addressing these problems.

Commissioner Cox asked, "Barbara (Cunningham), do you think you can have a statement (like the traffic statement Rose Zigenfus gives the Commissioners) concerning the capability of the sanitary sewers in the subject area?" Mrs. Cunningham said she would certainly try. Continuing, Mrs. Cox said "Just because we don't hear of any problems now doesn't mean that when we put all this development in that there may very well be problems beginning - and this is what she does not want to see happen." Mrs. Cunningham said, "Not only sewers but surface drainage could very well be a problem and this will have to be addressed as each one comes in. That will have to be addressed at the time of site review to make sure they follow that. Anything can be done; it's just a matter of whether you have enough money to put it in properly. You can put a sewer in anywhere; it just may cost more to install it in one place than the other." Mrs. Cox said, "But the waste has to go somewhere for treatment. No matter who puts it in, it has to go somewhere for treatment."

Mrs. Cunningham entertained further questions.

Commissioner Borries said, "We will want to address the concerns brought up by Shirley, as well as mine, based upon the testimony and discussion that occurred at Area Plan and we will have to then deal with the various developers and as to whether or not they can agree. Mrs. Cunningham should engage in some kind of dialogue so we can get this down, because there definitely needs to be some commitment about these roads if we are to consider these rezonings. I think we are all for the growth, but we have to work through these problems; so that is a major concern. If, for some reason, we can't, we would need to know that by next week. That might determine whether we want to consider it at that time.

Claim/City of Evansville: Mrs. Zigenfus said the second matter she has for the Board's attention is a claim to Vanderburgh County Commissioners to reimburse the City for the county's share (45%) of local cost for utility relocations on the Covert Avenue project. The county's share is \$39,395.72. She has attached copies of pertinent documents and support data to the claim. The project seems to be moving along with no further delays.

A motion was entertained.

Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

NOTICE OF SUIT: Attorney Miller said that one matter brought to his attention this week that will require the participation of the County Attorney is that Mario & Patricia Smith have sued Vanderburgh County and the Auditor of Vanderburgh County alleging that a tax sale which occurred back in 1982 was defective and required a deed of that property back to the original owner. They are alleging that they suffered damages as a result of those mistakes. He has not been able to determine any insurance coverage that the county has for this particular item. He will continue to investigate that. In the meantime, he will defend the action. The people involved paid something like \$102.00 for the property and they are alleging large amounts of damage because they had to deed the property back.

DRAINAGE ORDINANCE: Attorney Miller said that Mr. Easley had been calling him re an advertisement re drainage ordinance that pertains to formation of an entity to maintain the retention basins. He, Bill Jeffers and Keith Wallace discussed the matter prior to today's meeting. They are going to meet tomorrow

to go over the ordinance. They feel it needs a few more definitions and would like to submit a revised version of said ordinance.

Commissioner Borries asked, "That has not been advertised at this point? Mr. Easley responded that it has not.

Attorney Miller said it was to have been advertised, but we subsequently ran into a chink in how it should be advertised and we held off; this problem was then discovered. He thinks it is in order to revise the ordinance before advertising same.

Mrs. Cox asked, "So we're not scheduled for a Public Hearing on November 17th?" Attorney Miller and Commissioner Borries verified that this is correct.

Mr. Easley said he believes there will be questions asked about the implementation and administering of it, and if we're going to have to administer it, then he'd like to see it be as streamlined and well thought out as possible. He had never had a chance to look at the ordinance. Attorney Miller said that was probably his oversight.

Re: HARMONY WOODS SUBDIVISION

Mr. Easley asked if there was some question re Harmony Woods Subdivision street plans? He notes the two developers are still present. He said he has copies of the minutes where street plans for Sections A & B were approved with swales and without curb and gutter, which was the way it was intended to be presented.

Commissioner Borries said the Board's only consideration today was for the sidewalks. He cannot comment on street plans without going back to review the minutes.

Mr. Easley said this is similar to Sam Biggerstaff's subdivision. No rolled curbs or gutters were shown and the plans were approved. He thinks it was intended that the street be approved that way, which is considered to be a waiver of curb and gutter. He doesn't know how the Commissioners want to deal with it, but that is how he would view it.

Mrs. Cox asked if the minutes reflect a motion to waive curbs and gutters?

Mr. Easley said curbs and gutters were not shown on the street plans and he thinks he pointed out it was an asphalt street without curb and gutter and it had ditches. He thinks LeMay Drive is the same way. He believes we discovered after these were approved that apparently the ordinance had a requirement that curbs and gutter be waived. He thinks we are all aware of that now. But inadvertently we built three streets out there without curb and gutter and approved the plans. He also knows of another one (Bill Nicholson drew plans for Greg Kempf out on St. Paul's Drive out by St. Joe's Church) that has been constructed without curbs and gutters. We actually have about four of them.

Mrs. Cox said she thought the ordinance said there shall be curbs and gutters and sidewalks unless waived, so why would plans come in unless there is a problem with a lot of water in the area like we had the other day? She can see the reason for doing that, because of the Kirchoff Boulevard situation. She doesn't think those curbs out there are the answer to that subdivision's problems. They just created headaches for them. But unless it is specifically brought up she assumes there are going to be curbs and gutters on these subdivision streets unless there are problems. She is not talking about the cost; she is talking about the fact that they will not work because of the drainage or the terrain or something like that of the area.

Mr. Easley said the Board considered one two weeks ago that Jim Morley presented. Does she recall all the pictures? The street was graded before we were all aware that curb and gutter had to be waived. We probably have six of them. And his did not need curb and gutter.

Mrs. Cox said Mr. Morley said curbs and gutters really wouldn't work because of the springs out there. And he had to do a revised plan of putting some pipe underneath the street to drain those drains. Kirchoff Boulevard has springs and we have lots of problems with the curbs and gutters out there. Some places with exceptions like this, she thinks they need to come in and tell the Board why they are not going to have curbs and gutters. But she thought the ordinance said curbs and gutters on all of them.

Mr. Easley asked, "Do these people have to come back and specifically get the curbs and gutters waived then? As an engineer, if they weren't on the street plans -- he knows Sam Biggerstaff's were drawn without curbs and gutters and he submitted them knowing they didn't have curbs and gutters. It is a flat grade and it doesn't have to have them. There are two or three others that came in that way. Thus, he needs the Commissioners' guidance.

Commissioner Cox said that if we're not going to follow the ordinance, we might as well remove it from the books.

Mr. Easley said "This is grandfather now; it has already been constructed."

Commissioner Borries asked when this was discussed?

Mr. Easley said the plans were approved; they graded it and put down crushed stone and asphalt. So far, the only subdivision that has come before the Commissioners for curb and gutter to be waived was Morley's subdivision two weeks ago -- when we discovered that both items had to specifically be waived.

Commissioner Borries said he thinks he would like to have some time to take this matter under advisement and see whether we can work through this, because he thinks it is important.

Mr. Easley said he can make a list of the subdivisions that have been caught in the misunderstanding - or whatever we want to call it.

Commissioner Borries said it is important that we do that because he doesn't see how we're going to be able to continue...

Mr. Easley commented, "I guess the people handling the plans considered the fact that curbs and gutters were not included on the plans considered that the waiver."

Commissioner Cox said "But, Andy, the thing is that we have an ordinance to go by; if it doesn't conform to ordinance, then I think as an individual reviewing and recommending to the Commissioners -- that this should be pointed out -- because we're not the technical people and we can't think of everything to ask."

Mr. Easley said, "Mrs. Cox, there was discussion as to whether it was a concrete street or an asphalt street. We discussed that and said there was no curb and gutter. Now, to me, discussion and approval of the plans constitutes a waiver. There was no attempt to hide anything or mention that we had to have a specific resolution to waive the curb and gutter. I have brought several plans in here for other engineers and developers and I really didn't recall the phraseology in the ordinance. There are a lot of ordinances out there that I haven't memorized, believe me."

Commissioner Borries said, "I can understand that. But I think that when we consider these we're going to have to have some background as to why they are not going to be included -- whether it has to do with the grade, the springs -- these may be some reasons for not following the ordinance. I think that is what I need to now -- why we will not do that. That is why I'd like to have some time to look these over."

Mr. Nord said "Since it was approved,, I think it is sort of unfair to use us as the first one to enforce it -- because we made sure the road was put in and even exceeded the standards so we wouldn't run into any kind of a problem. Now to come back and request this, I think it unfair."

Commissioner Borries said he appreciated that comment. Certainly, the Commissioners would not want to single out the developers of Harmony Woods as an example for others. But he thinks the Commissioners need to work through this. It's not just his subdivision, it's others that they consider as well. Maybe the ordinance is not appropriate for one reason or the other. But the Commissioners need to have a clear understanding - when considering these.

Mr. Nord asked if this would be clarified by the next Commissioners' meeting?

Commissioner Borries said the next meeting is an evening session and he is not sure how long that will last. If it is not ready by the next meeting, perhaps the Commissioners can consider what they are going to do on this by the following meeting. The rationale they've followed on sidewalks has been that they have waived a lot of them simply because a lot of the streets have not been thru streets and because they exist a mile or more outside the city.

RE: BID ON SHERIFF'S MINI-VAN

Representatives of the Sheriff's Department entered the meeting and announced that the bid on the mini-van was now in proper order. The Chair entertained a motion.

Motion was made by Commissioner Cox that the bid on the Mini-Van for the Sheriff's Department be awarded to D. Patrick in the amount of \$10,200.00, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Reports: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period November 3 thru November 7, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: St. Joe and Everglades Rd. Cleaned yard; worked on Selzer Rd., Oak Hill Rd., Burkhardt Rd., Kasson Rd. and buried deer.

Paved: Fisher Rd. (Not finished)

Patched: Pine Place, Pinehurst Dr., #2 Sunrise, Green River Rd., Elma Kay and Spry.

Grader: Old Green River Rd., Calf Lane, 619 N. Red Bank Rd., Old Henderson Rd., and Outer Darmstadt, Hilltop.

Hauled sand into yard, painted barricades, sand blasted and worked on salt spreaders.

Weekly Absentee Reports: Also submitted for the same period were the Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

LETTER TO SIGECO SUB-CONTRACTOR RE ROAD DAMAGE: Mr. Bethel said that last week he promised to bring a copy of the letter sent to SIGECO's sub-contractor re the road damage on West Franklin. The letter read, as follows:

July 22, 1986

Ohio Valley Welding Co.
912 Prosperity
Evansville, IN 47713

Dear Mr. Clarence Baker:

Approximately two (2) years ago, right after we paved West Franklin Rd., your company installed a gas line on the road. In the process your equipment tore up the east side of the road.

In view of the fact that your company was responsible for the damage, the County Highway, the Road Inspector, along with the Vanderburgh County Commissioners feel you should put a skim coat of asphalt over that half of the road that your equipment tore up.

Sincerely,

Bill Bethel, Superintendenmt

Lee Stuckey, Road Inspector

cc: Robert Willner
Rick Borries
Shirley Jean Cox
Jim Lindenschmidt

Mr. Bethel said he got in touch with a SIGECO representative and they tell him they are not responsible. Ohio Valley Welding Co. has not done anything. He would like to turn this over to the County Attorney for further action.

Commissioner Cox said she had a call from Mr. Gulick from SIGECO and he informed her that Ohio Valley Welding Co. does a lot of sub-contract work for them and they do have retainages on certain jobs that they have held for their performance. Mr. Gulick simultaneously entered the meeting. He advised that he has not yet been able to determine whether SIGECO still has retainage at this time. He will try to meet with them some time this week and let the Commissioners know. He said they would like to see it corrected. They don't want to see anything happen to one of their sub-contractors; at the same time, they are responsible.

Mr. Bethel said that at the time, he and Mr. Stuckey stopped and told them what they were doing wrong and they they would have to repair it. They told them not to worry, they'd take care of it.

Attorney Miller queried Mr. Bethel re the time frame; he said there may be a two year statute of limitations.

Mr. Bethel said he'd have to check his records.

Attorney Miller said the probability is that it is a two year statute, so if we're moving up on two years, we'd better decide quickly.

Mr. Bethel advised that other roads are also involved -- with this same company, and we want our roads repaired.

Attorney Miller said we need to get some kind of record as to when it occurred.

Motion was made by Commissioner Cox that the matter be referred to the County Attorney for a continued investigation and litigation, if necessary, with a second from Commissioner Borries. So ordered.

Ashwood Drive: Commissioner Cox asked if Mr. Bethel had gotten out on Ashwood Drive yet? She didn't notice it on his repair sheets.

Mr. Bethel said he was out there; but he believes this was on last week's report. He believes this is all fixed; if not, he will call Mrs. Cox and tell her. Mrs. Cox said she will check with the lady tonight. If it is not fixed, she will call Mr. Bethel in the morning.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Claim/Sebree, Craig & McKnight: Mr. Easley presented a claim to Sebree, Craig & McKnight, a final payment request for their environmental study on Lynch Rd. in the amount of \$12,735.76. It is his recommendation that the claim be paid.

The Chair entertained a motion.

Commissioner Cox moved that the claim be approved for payment, with a second from Commissioner Borries. So ordered.

RE: ACCEPTANCE OF STREETS

Whispering Hills, Section A: Mr. Easley said that he and Mr. Bethel have both viewed subject streets and agree that it is ready for acceptance. Paving was done this summer. Flat grade and nice looking pavement. Mr. Elpers is the developer. The pavement is 24 ft. wide. Whispering Hills is out off St. Wendel Rd. It does not have curb and gutter. He does not believe they were required at the time the subdivision was approved. There is 60 ft. right-of-way.

Mr. Easley said that if there are any of these that the Commissioners want to take under advisement and go out and look at, he urges that they do so.

Commissioner Cox queried Mr. Easley as to whether streets are in Section A or B? The letter says "A" and the Plat says "B". After deliberation, Mr. Easley said he will check this out. The map was given to him by Bill Nicholson. It really should be Section "A", as it is the first one you enter into when you come off St. Wendel Rd. He believes Section "A" is correct. He thinks the important thing is that it is Brush Ridge Rd., which is 887 ft. long (0.17 mile). That is the way it will be turned into the State, so that is the important thing.

Commissioner Borries pointed out that the map says 886.8 ft.

Mr. Easley said he rounded it off 2/10 of a foot. Commissioner Borries said, "No problem. It looks as though the length in the section highlighted in yellow is correct." Mr. Easley said that is correct; it is just a matter of whether it is Section A or B - and he believes it is Section A. After further brief comment, it was noted that the acceptance of subject street will be deferred for one (1) week so Mr. Easley can check this out.

Commissioner Cox requested that Mr. Easley also include width of right-of-way and width of pavement in his acceptance letters. Mr. Easley said he can do this. Mrs. Cox said when you talk about a road maintenance plan, it is helpful in determining how much right-of-way we have and how much pavement has to be paved.

Acceptance of Streets in Green River Estates, Section B, Phase II: Mr. Easley said Green River Estates Sub is north of Millersburg Rd. and west of Green River Rd. He and Mr. Bethel looked at these streets very carefully and they are very well

constructed. They have conditional contraction joint which is about four (4) ft. in from the curb. He believes the streets were built in 1985 and have gone through one season of freezing and thawing. The engineer was Associated Land Surveyors and Mr. Phil Heston is the developer. The streets are paved with six (6) inches of concrete and there is storm drainage and storm sewers within the right-of-way. This is in area just north of Christian Fellowship Church.

In response to comment by Commissioner Borries, Mr. Easley said right-of-way is 50 ft. Width of pavement is 27 ft.

A motion was entertained.

Motion was made by Commissioner Cox that, upon recommendation of the County Engineer, the streets and portions of the storm drainage improvements within the street right-of-way in Green River Estates, Section B, Phase II, be accepted for maintenance by the County as follows, and the information forwarded to the State:

Surrey Way	823 ft.
Brighton Place	390 ft.
Norwich Place	620 ft.
Wilton Way	<u>440 ft.</u>

2,273 ft. = 0.430 miles

A second was provided by Commissioner Borries. So ordered.

Acceptance of Streets in Tall Timbers Subdivision: Mr. Easley said he has one more request concerning street acceptance and that concerns Tall Timbers Sub. He and Mr. Bethel have been over these streets very, very carefully. They were inspected during construction. J. H. Rudolph built the streets and he believew Commissioner Willner and Jim Lindenschmidt went out to look at the streets and Commissioner Willner was very pleased. They found a couple of minor erosion channels, which they have subsequently rip-rapped.

Commissioner Borries queried Mr. Easley concerning width of right-of-way. Mr. Easley said he believes there is 60 ft. right-of-way. The storm drainage facilities consist of culverts under the roads and the water then flows into open channel in an easement, so the only storm drainage we would be maintaining would be the culverts under the roads.

Commissioner Cox said she saw the streets before they had surface; but she has not seen them since they were finished. Personally, she would like to see the streets before voting. She asked Mr. Easley if these are concrete streets? He said they are asphalt -- hot asphaltic concrete. That is a technical name for hot asphalt. They mix it; the stone is heated in the mill. That is what we have been using to resurface the roads. In response to comment by Mrs. Cox, Mr Easley explained that the technical name is Hot Asphaltic Concrete (HAC).

Mrs. Cox again said she'd like to see the streets before voting. She didn't know this was coming up today.

Flap Gate on 1st Avenue: Mr. Easley said that he talked to Bob Mangold re the flap gate on First Avenue. He has removed the rip-rap that was blocking the gate.

Mrs. Cox asked if the bridge crew is going to put more rip-rap and fill on the south corner around the pier?

Mr. Easley said they will have to get that scheduled.

Mrs. Cox said she is afraid that the freezing and thawing coming in will take more of that bank down.

Posey County Billing: Commissioner Cox asked if we have billed Posey County on the work we did on their portion of St. Wendel Rd.?

Mr. Easley responded that we billed them probably a month and a half ago, but he hasn't seen any check.

Burhardt Rd. Light Poles: Commissioner Cox queried Mr. Easley re the estimate on relocating light poles on Burhardt Rd.

Mr. Easley addressed Mr. Gulick and said he is still awaiting receipt of SIGECO'S proposal.

Mr. Gulick said he mailed it. Mr. Easley said he has not seen it and suggested Mr. Gulick forward another copy to him.

RE: TREASURER - INTEREST REPORT

Commissioner Borries presented copies of Interest Report dated October 31, 1986 from the County treasurer.....report received and filed. (Copy attached hereto.)

RE: FINANCIAL REPORT - BURDETTE PARK

Also submitted was the Financial Report from Burdette Park for period ending September 30, 1986.....report received and filed. (Copy attached hereto.)

Commissioner Borries said he believes the income is an all time high (\$259,098.49).

Commissioner Cox said we will not have much income the rest of the year. At any rate, the deficit will be between \$250,000 to \$300,000, less capital improvements, so it will probably be \$200,000 plus. Right now, through October 31st it is \$284,000 and this is subbed out and its \$193,00 and she thinks it was \$170,000 plus on the September report, so we don't have that much income coming in from the pool and the deficit will go up to probably over \$200,000.

RE: OLD BUSINESS

It was noted by Commissioner Borries that there are two items of Old Business to be conducted at this time. Both regard Hillcrest-Washington Home. With Commissioner's Cox's approval, he said he would like to direct the Administrative Assistant, Jim Lindenschmidt, to immediately contact Dale Work, the Administrator for the State of Indiana/Vanderburgh County Welfare Department regarding several items that the United Way Task Force (which is conducting the study on the home) has not been able to get as of this date (November 10th). Their timetable has been to give us recommendations and hopefully file a report by December 3rd. In the interest of time, it is very important that the Welfare Department give as much information to this Task Force as they need to finish their study. If Commissioner Cox agrees, he would ask Jim Lindenschmidt to contact Dale and ask for those items that the United Way Task Force needs as quickly as possible.

Commissioner Cox made a motion to this effect, with a second from Commissioner Borries. So ordered. Mr. Borries said if Mr. Lindenschmidt can see Dale Work tomorrow he would appreciate it.

Another item we need to consider upon the recommendations of subject Task Force is to direct a letter (again with Commissioner Cox's approval) to Mr. John Blinzinger, Administrator of the Public Welfare Department for the State of Indiana. What the letter says is that we are asking that the caseworkers who are currently providing services to the children at Hillcrest Home be allowed to continue to provide those services past January 1, 1987. We're requesting approval to allow the current caseworkers

(Cindi Brown and Gayle Angle) to continue those services through June 30, 1987. This would also be beneficial to the children involved. "It is our understanding that without your formal approval they will not be allowed to provide any services or consultation to the staff or children of Hillcrest after December 31st.

"Please understand that we are not requesting that Mr. Work or the Welfare Department be allowed to continue operating the facility. We are only asking for you to approve an extension of the current caeworker services for an interim period.

"Your attention to this matter will be appreciated."

Motion was made by Commissioner Cox that the letter be signed and sent to Mr. Blinzinger, with a second from Commissioner Borries. So ordered.

RE: APPOINTMENT OF COUNTY ATTORNEY CURT JOHN

Commissioner Borries said he does have a pink slip under "old business". In order to divide the work load between the various county attorneys, he is asking that Mr. Curt John of 1116 Lincoln Avenue be appointed to the vacant position of County Attorney at this time.

Motion to this effect was made by Commissioner Cox, with a second from Commissioner Borries. So ordered. (See entry under employment changes.)

RE: ORDINANCE RE EICKHOFF ROAD CHANGE

Commissioner Borries said that under old business, the Commissioners have had a request -- and he doesn't believe the Commission would have any objection to changing the spelling of Eichoff Rd. to "Eickhoff" Rd. The Eickhoff family has written the Commission asking for their cooperation in making the necessary change to accurately reflect the family name spelling. The family name spelling would be E i c k h o f f. In order to do that, an ordinance would have to be prepared.

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

RE: SCHEDULED MEETINGS

Tuesday Nov. 11 4:00 p.m. Auditorium Advisory Board Mtg.

Commissioner Cox said she has a letter from Councilman Elliott concerning a Public Hearing regarding the duties of the County Commissioners, which falls at a very awkward time -- Wednesday November 26th, at either 3:30 or 4:30 in the afternoon. The meeting is at a very inconvenient time for her personally and she thinks it is for the public to have a Public Hearing right before a Thanksgiving Holiday. She was wondering if the Commissioners could ask Mr. Elliott to reschedule the meeting.

Commissioner Borries said he has not received any input. However he would certainly agree with Mrs. Cox' comments that people will be traveling (and he will be among them since he is going out of town). Thus, he agrees completely and, with Commissioner Cox's permission, he will ask that the meeting be rescheduled.

Mr. Lindenschmidt said he might add that he brought to their attention what day it was when they scheduled the meeting, but they went right on and scheduled it.

Commissioner Borries said he will ask Mrs. Meeks to ask them to reschedule meeting at appropriate time after Thanksgiving.

RE: CLAIMS

Commissiner Borries announced that there are no claims to be presented for approval.

EMPLOYMENT CHANGES

Superior Court (Appointments)

Adrienne Hawthorn	P.T. Intern	\$3.35/Hr.	11/3/86
Robin Craig	P. T. Intern	\$3.35/Hr.	11/3/86
Deborah L. Ray	Court Reporter	\$18,757/Yr.	11/3/86

Election Office (Appointments)

R. Grace Wohlhueter	Dep. Clerk	\$4.54/Hr.	10/17/86
Sylvia T. Loviscek	Dep. Clerk	\$4.54/Hr.	10/23/86
Casey E. Randolph, Jr.	Bal. Assem.	\$4.54/Hr.	10/30/86
Dorothy Mae Carey	Dep. Clerk	\$4.54/Hr.	10/30/86
Mary D. Williamson	Dep. Clerk	\$4.54/Hr.	10/31/86

Election Office (Releases)

Charlotte Shetler	Dep Clerk	\$4.54/Hr.	10/27/86
Clara Berry	Dep. Clerk	\$4.54/Hr.	11/06/86
Sylvia T. Loviscek	Dep. Clerk	\$4.54/Hr.	11/06/86
Gerald Wohlhueter	Bal. Assem.	\$4.54/Hr.	11/06/86
John Lee Jones	Bal. Assem.	\$4.54/Hr.	11/06/8
Casey Randolph, Jr.	Bal. Assem.	\$4.54/Hr.	11/06/86
Dorothy Mae Carey	Dep. Clerk	\$4.54/Hr.	11/06/86
Mary D. Williamson	Dep. Clerk	\$4.54/Hr.	11/06/86
Janice N. Dudley	Dep. Clerk	\$4.54/Hr.	11/06/86
Mary Lee Bassemier	Dep. Clerk	\$4.54/Hr.	11/06/86
Doris Cato	Dep. Clerk	\$4.54/Hr.	11/06/86
Grace Wohlhueter	Dep. Clerk	\$4.54/Hr.	11/06/86

Voters Registration (Appointments)

John Gugin	Trans. Crew	\$30.00/Day	11/4/86
Gloria Evans	Deputy	\$90.00/Day	11/4/86
Lucille Musgrave	Deputy	\$90.00/Day	11/4/86
Casey Randolph, Jr.	Deputy	\$90.00/Day	11/4/86
Jamie Martin	Trans. Crew	\$30.00/Day	11/4/86

Voters Registration (Releases)

John Gugin	Trans. Crew	\$30.00/Day	11/4/86
Gloria Evans	Deputy	\$90.00/Day	11/4/86
Lucille Musgrave	Deputy	\$90.00/Day	11/4/86
Lucille Fowler	Deputy	\$90.00/Day	11/4/86
Casey Randolph Jr.	Deputy	\$90.00/Day	11/4/86

Circuit Court Appointments)

John K. Bushrod	P.T Safe House	\$5.00/Hr.	10/13/86
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Circuit Court (Releases)

Michael Danks	P.T. Intern	\$5.00/Hr.	10/9/86
Paul A. Miller	P.T. Safe House	\$5.00/Hr.	10/10/86

County Clerk (Releases)

Jane S. Lockyear	Take off Payroll		7/28/86
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Jail Misdemeanant Fund (Appointment)

Alfred L. Askins	Civilian Jailer	\$15,065/Yr.	11/3/86
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County Commissioners (Appointments)

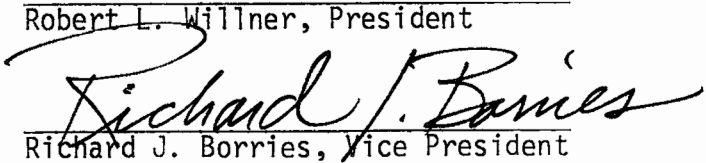
Curt John	1116 Lincoln Ave.	\$15,040/Yr.	11/10/86
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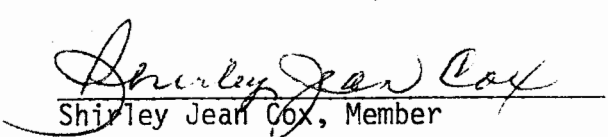
There being no further business to come before the Board at this time, Commissioner Willner declared the meeting adjourned at 4:25 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries S. J. Cox	Sam Humphrey (Chief Deputy)	David V. Miller
	* R.L. Willner Absent (on vacation)		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham B. Behme
	<u>SHERIFF</u>	<u>PURCHASING</u>	<u>EUTS</u>
	C. Shepard	Tom Dorsey	Rose Zigenfus
	<u>OTHER</u>		
	News Media		

SECRETARY: Joanne A. Matthews

Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
NOVEMBER 17, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday November 17, 1986, in the Commissioners' Hearing Room, with Vice President Rick Borries presiding.

The meeting was called to order by Commissioner Borries, who stated that Commissioner Willner will not be present, since he is still out of town on vacation.

Commissioner Borries proceeded by stating there are three (3) sets of minutes to be approved: October 27, November 3 and November 10.

Commissioner Cox said she has a couple of corrections to be noted in the October 27th minutes. With regard to bid on mini-van for the Sheriff's Department, the minutes say the bid was in order. It was not in order, as the bid bond was not signed. This was subsequently corrected; but it was reported that it was not in order. Under County Treasurer's report for September 29th, it reads 2986; this should be 1986. The secretary interjected that this correction has already been made. Motion was made by Commissioner Cox that the minutes of October 27, 1986 be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Borries. So ordered.

Motion was also made by Commissioner Cox that the minutes of November 3rd and November 7th be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Borries asked Mrs. Cox if she means November 3rd and November 10th? Mrs. Cox acknowledged that this is correct. A second to the motion was provided by Commissioner Borries. So ordered.

RE: BID OPENINGS

Commissioner Borries announced that bid openings are scheduled this evening for removal and replacement of culvert on Clover Drive. He entertained a motion to authorize the County Attorney to open bids received on this project.

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

Commissioner Borries said he also wanted to welcome County Attorney Curt John, who was present for the evening Commissioners' session.

RE: REZONINGS

VC-18-86: It was noted by Commissioner Borries that the rezonings scheduled for Third Reading this evening have been continued. VC-18-86 (Petitioner Ed Kuhlenschmidt) has been continued to December 15th meeting. The following letter was received in connection therewith:

November 14, 1986

Mr. Richard Borries
Vanderburgh County Commissioner
Civic Center Complex
Evansville IN 47708

Mrs. Barbara Cunningham
Area Plan Commission
Civic Center Complex
Evansville IN 47708

Re: Rezoning of 5522 Division Street, Edgar
Kuhlenschmidt Petitioner

Dear Ms. Cunningham and Mr. Borries:

On November 12, 1986, I informed Mr. Borries in regard to the above rezoning matter, that efforts are underway to coordinate with other adjacent property owners the implementation of a right-of-way and thoroughfare plan in the immediate area of the subject property. Those efforts however, will not be completed by the November 17, 1986 County Commissioners meeting, at which time this matter is scheduled for final action. I would, therefore, respectfully request that this matter be continued until the December 15, 1986, meeting of the County Commissioners, at which time these matters should be resolved.

Thank you in advance for your cooperation and assistance.

If you should have any questions whatsoever, please feel free to contact me at your convenience.

Very truly yours,

JOHNSON, CARROLL AND GRIFFITH
Professional Corporation

Leslie C. Shively

cc: Edgar Kuhlenschmidt

VC-19-86: A letter has also been received requesting this matter be continued to December 15th meeting, as follows:

November 12, 1986

Vanderburgh County Commissioners
Civic Center Complex - Room 305
Evansville IN 47708

Re: Rezoning Petition No. 86-99-PC
Petition of Bruce A. Bemis
Address of Property Sought to be
Rezoned: 3221 Old Henderson Rd.

Gentlemen:

The hearing before the Vanderburgh County Commission on the captioned matter is scheduled for 7:30 p.m. on November 17, 1986. The Petitioner, Bruce Bemis, consulted with me on November 11, 1986, requesting that I represent him in this matter. Unfortunately, a prior commitment will require my presence in St. Louis, Missouri, on the 17th and the purpose of this letter is to request that the captioned matter be continued to December 15th which, I understand, is the next regularly scheduled Commission meeting.

Copies of this request for continuance are being forwarded to adjacent property owners so they will have adequate notice of this request as well as a Mr. Louis Carroll, who is shown to be a party representing remonstrants to this Petition.

Your favorable attention to the foregoing request will be sincerely appreciated.

Very truly yours,

Benjamin C. Cabbage, Jr.

cc: Barbara Cunningham - Area Plan Commission
Louis Carroll
Aleen J Carroll
L & N Railroad
James and Elizabeth Ricketts
George W. and Lillie L. Brown
Steven H. and Tamara L. Wilder
Earle McNaughton Bryant
Fay C. and Elizabeth Hile
Bruce Bemis

VC-20-86/Petitioner Randy McClasky: This petition has been postponed to December 15th because no one appeared at APC meeting for Second Reading.

Commissioner Borries noted the December 15th meeting promises to be a lengthy session.

The following First Readings are to be considered this evening:

VC-21-86/Petitioner, Columbia Sussex Corp.: Common known address is 7101 Highway 41 North. Request is for down zoning from M-2 to C-4 to permit construction of a 5-story, 200 room hotel on 6.4 acres of the property. There being no one in the audience to make comments on First Reading, The Chair entertained a motion.

Motion was made by Commissioner Cox that VC-21-86 be approved on First Reading and forwarded to APC, with a second from Commissioner Borries. So ordered. Commissioner Borries commented that after the Commissioners get this for approval, it also has to have the approval of the FAA (Federal Aeronautics Administration) and Indiana Aeronautics Division. Will they have the final say?

Mrs. Cunningham responded, "As to the height and location. APC has already sent the Petition to Evansville Dress Memorial Airport, so they are aware of this happening.. It doesn't hit any of the new proposed runways or anything like that.

VC-22-86/Petitioner, George Ryan: Location of subject property is 5605 Oak Grove Rd. Present zoning is R-4 and requested zoning is M-1 for retail warehousing, offices, light manufacturing and other unspecified uses. Commissioner Borries said he might make comment that in this particular rezoning (as in others being considered) there are negotiations proceeding among developers re this rezoning and others to be considered at the December meeting. He believes the Commission, along with several planning agencies (APC, EUTS, etc.) have expressed concern that specific plans be dealt with for this entire area, because the area in which this rezoning and several others will take place is in an area that is bordered by Division Street or Lloyd Expressway on the south and S.R. 62 (Morgan Avenue) on the north. It is a rapidly developing area and one in which this Commission has expressed its concern to make sure that roads and the assistance of each developer is needed to make the whole area work.

Commissioner Cox said she wishes to comment a bit further on this. The Staff Field report for VC-22-86 indicates that the petitioner has indicated some degree of cooperation in providing an easement for the Vogel Rd. and Royal Avenue extensions. But these are not the same cooperative agreement for easements that was previously worked out for zoning in that area; and she thinks we need to make sure that these easements are protected for the extension of both Royal Avenue during the entire length of the requested rezoning area and also for the easement for Vogel Rd., which would go directly through the center (it seems) of this proposed rezoning request. Also, another area of concern

expressed by the Commissioners is not only the transportation network, but the adequacy of the sanitary sewers and their capability to handle the development. Actually, this is not a very specific request telling us what they are going to do out there. It mentions retail warehousing, offices, light manufacturing and a lot of speculation -- according to the Staff Field Report. She thinks we need to forward these concerns we have re the transportation network and capability of existing sanitary sewage system to the Area Plan Commission when we do forward this on First Reading.

There was no response to Commissioner Borries' query as to whether there was anyone in the audience who wishes to speak to VC-22-86. A motion was entertained.

Motion was made by Commissioner Cox that VC-22-86 be approved on First Reading and forwarded to APC, together with the concerns that we protect the easements necessary for the extension of our transportation system; specifically, Vogel Rd. and Royal Avenue. Also, to look with concern on the capability of the sanitary sewage system in this area to handle the proposed impact of this development. A second to the motion was provided by Commissioner Borries. So ordered.

VC-23-86/Petitioner, Regency Associates: The location is, again, in area earlier described. Common known address is 5522 Division St. Present zoning is agricultural and requested zoning is C-4. Commissioner Cox has entered into the record comments regarding the concerns of this Commission re the proposed rezoning immediately to the north.

In reviewing map, Commissioner Cox asked if this is the area that lies west of the proposed Kuhlenschmidt rezoning? Commissioner Borries responded that it is. Mrs. Cox said she noted that when the Commissioners looked at Kuhlenschmidt request on First Reading the Staff Field Report mentioned the extension of Royal Avenue on the west. It would certainly seem that we would want to get the same commitment from this developer -- that they would participate in the easement for extension of Royal Avenue (if it is also on this property). Commissioner Borries said "That is correct. According to comments, this developer has indicated that on the western portion of the property they are also going to construct an east/west dedicated street which would be named Indiana Street (which would come in at both the proposed Cullen Avenue and the proposed Royal Avenue on the east side of the property.) They are being asked to dedicate 25 ft. of right-of-way for the proposed Royal Avenue, as is the developer to the east. I think it should also be mentioned that there will be some consideration of a frontage road in this area that is going to have to be constructed, because access is going to be limited onto S.R. 66 (Division St. or Lloyd Expressway). If I am correct about that access, it will not be on Cullen Avenue. There will be a light at Fielding Road. If there is going to be any entrance in this property, it will have to come about and be connected by a frontage road that will have an entrance at Fielding Rd. That will be the only entrance along that area. The only other one and, again, I may stand corrected on this -- but the only one I am aware of in regards to a light would be at Burhardt Rd. Fielding Rd. will be the only other exit, so I do want to mention that there will be a frontage road that is going to have to be constructed on the front part or along the southern end of this property."

Commissioner Cox commented that proposed use is shopping center with parking for 950. She would echo the concerns mentioned by Commissioner Borries. Again, the concern about the sanitary sewer capabilities in the area. The Staff Field Report does not say whether sanitary sewer or city water is available. That could just be an oversight. She feels certain it is available out in that area. With regard to 5522 Division Street address, this is the same address as that reflected on Mr. Kuhlenschmidt's

petition. The Kuhlenschmidt petition does say that both sanitary sewers and city water are available. Mrs. Cox asked whether Mr. Easley can verify that common address is correct?

Mr. Easley stated he believes they go by the legal description and he doesn't think the address is that important.

Commissioner Cox said the question actually concerned the availability of sanitary sewers and city water.

Chief Deputy Surveyor Bill Jeffers asked whether Royal Avenue will be a two-lane or four-lane facility?

Commissioner Cox said all the information she has had has indicated a two-lane facility.

Commissioner Cox said they are asking for 25 ft. right-of-way from each of the adjoining property owners, which is just a 50 ft. right-of-way. Thus, it would be very hard to have a four-lane facility.

There being no further comment or discussion, motion was made by Commissioner Cox moved that VC-23-86 be approved on First Reading and forwarded to Area Plan Commission with the same considerations stipulated in the previous rezoning -- that they pay particular attention to the transportation network and capabilities of sanitary sewers in the area. A second to the motion was provided by Commissioner Borries. So ordered.

VC-24-86/Petitioner, Donald Folz: This rezoning is presently zoned agricultural and requested zoning is C-4. Common known address is 4005 N. Green River Rd. The proposed use of the property would be for auction house and a flea market. This would be north of the proposed Lynch Rd. construction and south of Hirsch Rd.

There being no further questions or comments, motion was made by Commissioner Cox that VC-24-86 be approved on First Reading and forwarded to Area Plan Commission with a second from Commissioner Borries. So ordered.

VC-25-86/Petitioner, David Guillaum: Current zoning is agricultural and requested zoning is C-4. Present use of property is single-family residence. C-4 would be for outside storage or commercial vehicles and construction equipment. Subject property is located on south side of Hirsch Rd. midway between Green River Rd. and Burkhardt Rd.

Commissioner Borries said there is a comment on this one which mentions that North Green River Rd. Management Report designated this area to remain agricultural and residential. However, he thinks the previous rezoning was in that same area -- north of where the proposed Lynch Rd. extension was to go.

There being no further questions or comments and no one present to address the matter, Chairman Borries entertained a motion.

Motion was made by Commissioner Cox that VC-25-86 be approved on First Reading and forwarded to Area Plan Commission, with a second from Commissioner Borries. So ordered.

VC-26-86/Petitioner, Chal Corporation: Present zoning is R-1. Requested zoning is a PUD (Planned Unit Development). Petitioner is requesting rezoning of 60 acres into PUD to extend from Covert Avenue to Pollack Avenue between Burkhardt Rd. and Green Meadow Rd. This is an extension of the Indian Woods PUD.

Commissioner Cox said she notes proposed PUD will include 33.67 acres of mixed residential; 8 acres of commercial/medical; and 10 acres of commercial development.

Commissioner Borries said that prior to asking for comment on this petition, he might mention that we will have to check. This may change the city boundaries. In the previous PUD known as Indian Woods Development, the petition and approval for a PUD includes voluntary annexation into the city because of a requirement for city services (particularly police and fire protection) and it did change the eastern boundary of the City of Evansville. He would assume that if this were approved, it would do the same thing.

There being no further questions or comments and no one present to address the matter of this petition, a motion was entertained.

Commissioner Cox said that while it doesn't say, she feels certain the Covert Avenue Extension project is protected in this area, because if she recalls correctly, the Chal Corporation was very cooperative a couple of years ago when she was on the APC and they dedicated the right-of-way for that extension of Covert Avenue.

Commissioner Borries said, "That is correct, Commissioner Cox. I think there also was some discussion regarding an access or acceleration/deceleration lane on Covert Avenue, because there are some planned curb cuts there." Motion was made by Commissioner Cox that VC-26-86 be approved on First Reading and referred to the Area Plan Commission, with a second from Commissioner Borries. So ordered.

VC-27-86/Petitioners, Ed, Ted and Catherine Will: Common known address of subject property is 5925 Covert Avenue. Property is currently zoned R-1 and requested change is to C-4. Commissioner Borries said he would make a final comment on this petition. This fits together the final little portion of what we have been talking about. This is directly to the north and east of the previous PUD (Chal Corp.) and right west of the proposed rezoning of 2686 address. So this is a portion that would front out on Covert Avenue. This is C-4 for unspecified commercial development. There will be a proposed 30 ft. curb cut.

Commissioner Cox said she would point out that this would be the only commercial zoning in that entire area. Everything else is R-1 or PUD.

Commissioner Borries said he would guess that this would remain a portion of the county, unless otherwise specified. It is going to be an island if the other PUD does not fit in there. There being no further comments or questions and no one present to speak to the Petition, a motion was entertained.

Motion was made by Commissioner Cox that VC-27-86 be approved on First Reading and forwarded to the Area Plan Commission, with a second from Commissioner Borries. So ordered.

RE: BIDS ON CLOVER DRIVE CULVERT

Commissioner Borries then turned the meeting over to County Attorney Curt John, asking for a report on bids received on Clover Drive project.

Attorney John said we have a bid opening for basically two (2) projects, which were to be bid as one (1). The first is VC-1186-CD, which is a culvert installation on Clover Drive. The second is VC-1186-SD, which is corrective maintenance on Sonntag-Stevens Ditch. The engineer's estimate was \$28,262.50. We received five (5) bids. Attorney John asked if the Board wants the bids broken down into the two projects? Or, a grand total for the two (2) projects?

Commissioner Borries asked if the bids will be awarded separately on the projects?

Attorney John said it is his understanding that the bids will be awarded together?

Commissioner Borries queried Commissioner Cox regarding her preference?

Mrs. Cox said that if that is the way it was advertised -- that they were to be

Attorney John interjected that the advertisement named the project and then it broke the project down into two (2) separate items.

Chief Deputy Surveyor Bill Jeffers said he wished to comment on this matter. It may have been an oversight on his part with regard to the way it was advertised. It is hard to be objective when you write these things. He wrote it as one project. However, because the CD portion will be paid for out of bridge funds, being a water carrying cross structure, and SD will be paid for out of Sonntag-Stevens account (being corrective maintenance to that ditch) he gave out two proposal sheets so that we could see what each account would be billed at the final billing. He referred to the entire project throughout the specs as "the project". However, when it comes to billing time, the Board of Commissioners will approve the claims for everything under CD and the Drainage Board will approve the claims under SD. Mr. Jeffers said he apologizes for any misunderstanding this may have caused among the contractors. But the two projects fit together. Where the pipe outlets into the ditch there is a concrete apron and this is actually a continuation of the culvert -- it just happens to be in the right-of-way for Sonntag-Stevens Ditch. He doesn't think two contractors could be working together and accomplish in an orderly fashion -- and he never contemplated it going to two separate contractors. He hopes this is a sufficient explanation and that there are no hard feelings among the bidders in this regard.

He does have another envelope should it have to be exactly clarified as to how he estimated both projects.

Commissioner Cox asked if the engineer's estimate given is for the entire project? And there is no breakdown on that?

Attorney John said the breakdown is an estimate of which approximately one-quarter of the total is for one project and three-quarters for the other.

Mr. Jeffers said if there has to be a precise explanation of the engineer's estimate.....

Mrs. Cox said she sees no reason for giving the breakdown when the bids are read, as long as there is a breakdown for the entire project so billing can be carried through correctly.

Commissioner Borries concurred. He then requested that Attorney John proceed by reading the bidders and bid amounts and indicating whether bids are in order.

Attorney John read the following bids:

<u>Bowling Contractors (Henderson KY):</u>	\$26,779.10
Dave Guillaum Construction	\$31,315.00
K & K Excavating (Ft. Branch)	\$21,269.00
John Mans, Inc. (Haubstadt, IN)	\$21,308.00
Ohio Valley Welding, Inc.	\$23,807.00

It was noted that all of the bids are in order, with the possible exception of Mr. Guillaum's bid. He submitted a bid modification (which Attorney John has left unopened). The bid modification was received at 6:30 p.m., which he believes was after the time specified by the advertisement. Therefore, until he can get additional information as to whether or not that modification would be valid, he is not going to open it.

Commissioner Borries asked Mr. Jeffers if he, along with County Engineer Andy Easley, would want to take the bids under advisement for a period of one (1) week and then offer their recommendations?

Mr. Jeffers responded that one portion of the project requires the Commissioners' approval as the Board of the Commissioners and the other portion requires the Commissioners' approval as the Drainage Board. Therefore, he and Mr. Easley will take the bids under advisement for one (1) week and make recommendations at both the Commissioners' Meeting and the Drainage Board Meeting on November 24th. Commissioner Borries agreed, noting the Drainage Board meeting will be held immediately subsequent to the Commissioners' meeting on November 24th.

Attorney John said there is another envelope from the Surveyor's office (which has already been explained by Mr. Jeffers). It will remain unopened until after the bids are awarded.

Motion was made by Commissioner Cox that the bids re culvert installation on Clover Drive and corrective maintenance on Sonntag-Stevens Ditch which have been received and read be referred to the office of the Surveyor and the County Engineer and taken under advisement for one (1) week period, with action due at Commission and Drainage Board meetings to be held next week. A second to the motion was provided by Commissioner Borries. So ordered.

Notice of Claims: In response to query from Commissioner Borries, Attorney John said that while he can't get into any detail concerning claims received. He can, however, give information as to who the notice is from and a brief synopsis of what is stated in the notice, as follows:

Permanent Federal Savings Bank vs. John D. Bush; Vanderburgh County is included in the claim for some property taxes and sums they may have against this individual.

Claim re injury that occurred at Armstrong School. He does not know any details on that at this time.

Mario Smith & Patricia Smith vs. Alice McBride, Auditor of Vanderburgh County, and the County Commissioners. He believes this involves a tax sale.

C. Williams vs. Vanderburgh County and other governmental units. Ms. Williams was working for Vanderburgh County Work Release and was apparently injured on Highway 41.

Notice of Claim on behalf of Margaret Whalen and Garland Whalen.

Commissioner Borries said he knows Attorney John is going to be busy. The Board certainly wants to welcome him. They appreciate his being here and look forward to working with him. His experience in County Government will serve him well.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of November 10 thru November 14, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Heinlein and Old State Rd. (Tile)

Patched: Eissler, Fisher, Booker Rd., Glenview, Red Bank, Eichoff, Fuquay, Spry, Allen Rd., East Maxwell, Oak Grove Rd., Seminary, Schmuck, Bixley Ct., Burkhardt, Bayou Creek, Newburgh Rd., Caren Dr.,

Meadow Lark, Creamery Rd., West Haven Dr., and Plainfield Dr.

Tree Crew: Middle Mt Vernon Rd., 200 Hogue Rd., 706 Boehne Camp Rd. and Heinlein

Mo-Trim: Red Bank Rd.

Painted barricades, sandblasted, and painted salt spreaders.

Weekly Work Report/Bridge Crew:" Also submitted for the same period was the Weekly Work Report for the Bridge Crew....report received and filed.

Cleaned ditch on Oak Grove Rd.

Cleaned out pipe on Volkman Rd.

Rip-rapped Hillside, Volkman Rd., Baseline Rd., and Petersburg Rd.

Repaired guard rail on Felstead Rd. and St. George Rd.

Repaired pot hole on Kratzville Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions. There were none.

Ice on Bridges: Commissioner Cox said she had a letter from John Vezozzo (Board of Public Works) saying they will no longer take care of ice on bridges unless there is a snow. Are we prepared to take care of this?

Mr. Bethel said he has a copy of subject letter and he has already incorporated this in the County Garage schedule. They will take care of it if it snows and they are out; but if they are not out, then we have to take care of it.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Streets/Whispering Hills Subdivision: Mr. Easley said that acceptance of streets in Whispering Hills Subdivision was discussed last week. There was some question as to whether it was Section "A" or "B". It is Section "B". (Section "A" is in the middle of Section B" and he didn't notice that on the drawing. The street is an asphalt road and has been properly constructed, as noted last week. It is his recommendation that the street be accepted.

Commissioner Cox said she has a question. Mr. Easley stated in letter that these streets were constructed the summer of 1985 and the summer of 1986. Is this Brush Ridge Rd.? When was it constructed?

Mr. Easley said they put down the crushed stone base in summer of 1985 and the asphalt was put down this past summer.

Mrs. Cox said, "Then we haven't gone through a winter yet with that."

Mr. Easley said we've gone through a winter with the base, but not with the asphalt.

Commissioner Cox said she did not get out to look at this one. Are there homes built out there?

Mr. Easley said there were no homes constructed while he was out there. If Mrs. Cox would like to take another week and look at it -- he doesn't believe we are under any big pressure to accept this. He believes the subdivision is recorded. He has no objection if Mrs. Cox wants to take another week.

Commissioner Cox asked, "So this three inches of asphalt is going to have to stand the traffic of construction vehicles coming in there to do the building on these lots?"

Mr. Easley confirmed that this is correct; there will be construction traffic.

Mrs. Cox asked how long the bond posted by the developer is effective?

Mr. Easley said there is no bond or financial guarantee on this section of the subdivision.

Mrs. Cox asked, "You mean they didn't post a bond on this?"

Mr. Easley said that in the past under the old ordinance a financial guarantee was not required. On the new subdivisions, it is. There is either an escrow deposit or a letter of credit or a bond; or, they build the street improvement and then record the plat. He believes this is a recorded plat.

It was the consensus of the Board that they should defer the matter for a week, allowing the Commissioners an opportunity to take a look at Brush Ridge Rd.

Mr. Easley said most of the new subdivisions we're going to be getting under the new subdivision ordinance they are either putting up the money in escrow deposit or they are building the streets and then asking the county to accept them and then recording the plat. So most of the subdivisions will not have any homes built in them prior to acceptance of street improvements.

Mrs. Cox said, "But this happens to be one that has three inches of hot asphaltic concrete? A lot of our streets are concrete streets and they do have curbs on them. This is one that doesn't and I don't know how well it is going to hold up."

Mr. Easley said it has nice ditches and a slight grade to it. There are no erosive velocities.

Acceptance of Streets/Tall Timbers Subdivision: Mr. Easley said he has another subdivision we held from last week. Mrs. Cox wanted to go out and look at Tall Timbers. He believes they have an escrow on deposit that they want to pay for the balance of their paving contract and they would like to have these streets accepted.

Commissioner Borries said he'd like another week on this one. He hasn't had an opportunity to get out to Tall Timbers.

Commissioner Cox said she'd like for Mr. Easley to go out again and look at this area between now and next week. She was out there and looked at it. She doesn't know who has been causing all the big ruts along the sides of the roads. There are two places under construction; homes are being built out there now. One of them looks near completion and the materials were just being hauled in for the other one. A lot of the lots are sold; but, again, they've gone off the sides of the roads and made ruts. There has been some white chat that looked like it was put alongside the shoulders of the road that has now washed down into the sides of the road. And when you come in off Hillsdale Rd. and you turn and go back -- she thinks it's Summertime Court, there is a real deep drop-off and there aren't many shoulders on the road and the trees are right at the edge of the pavement. To her, this is a very dangerous situation. She would like for Mr. Easley to take

a look at that. It is hard to see how wide the pavement is, because it is buried in different areas. The streets are not exactly like the plans, because they have tried to protect the trees out there -- and she wholeheartedly goes for that, because she thinks it is beautiful. But there is a lot of variation from the street plans submitted and what has actually been built. There are ruts alongside the shoulders of the road. On the other side out Cedarwood Drive and up the cul-de-sac on Pinewood Circle, the shoulders on one side of the road looked like they have been grassed.

Mr. Easley said that with regard to the ruts, he thinks that just to tear something up, someone with a 4-wheel drive vehicle, ran off on the beautiful grass shoulder and did this. He was told by Jarrett's construction manager that they were going to repair that, but he hasn't seen it in a couple of weeks.

Commissioner Cox requested that Mr. Easley go out and look at this because the chat that is alongside the shoulder in that area is all washed away. Again, these streets were just put down and they are very, very steep in this area. She just doesn't know how they're going to hold up due to the construction vehicles going back and forth and up and down while the other buildings goes on out there.

Mr. Easley said they are not unlike Oak Meadow or Bentwood streets (which is down the way).

Mrs. Cox asked when we accepted those?

Mr. Easley said that Bentwood has not yet been accepted. We are in the process of inspecting it, etc.

Mrs. Cox asked how much development is there?

Mr. Easley said there are now several houses.

Commissioner Cox said she hesitates to have a road laid down one day and accepted the next and not see how it is going through a winter -- and there are no curbs or gutters out there. The asphalt looks good. It looks thick enough. It is wide in some areas and narrow in others. She found one bad place -- this is when you come down the entrance at Browning Rd. But there is water standing in the ditch and the chat has washed away over on Tall Timbers Drive. There is some erosion along that bank and it looks like the bank has slipped -- in front of area around Lots 31 and 32.

It was the consensus of the Board that further action on this matter will be deferred one (1) week.

1986 Road Study - Invoice: Mr. Easley said he received an invoice from Ohio Valley Engineers, Inc. this morning concerning the 1986 Road Study. He checked the minutes and the amount of the contract was \$24,500.00. We have paid the progress payments indicated on the invoice. He guesses they are still working on what will be the final summary. He has not received any new material; just the notebook received initially.

Commissioner Borries said he has not seen any new material either. He said he'd like for Mr. Easley to obtain some clarification as to what we are being asked for on this. And there is still money due, is that correct?

Mr. Easley verified that this is correct. We would still have a contract balance of \$4,500.00.

Mr. Borries said he hasn't seen any new material and he'd like for Mr. Easley to check this out; it is not very specific as to what we are doing.

Mr. Easley entertained further questions. There were none.

RE: PRECINCT BOUNDARY CHANGES & DEADLINES

Commissioner Borries said he received a letter from the Indiana Election Board concerning precinct boundary changes and deadlines as follows:

NOVEMBER 10, 19886

To: The Board of County Commissioners

From: Richar Batesky Jr., State Election Board

Re: Precinct Boundary Changes & Deadlines

I am writing to remind you that any new precinct boundary changes that your county wishes to make must be presented to the State Election Board between November 5, 1986, and no later than January 31, 1987. This is the only time period in which you have to act in order for your proposed changes to be reviewed and certified in time for the 1987 municipal and town elections.

In particular, if there are small towns in your county that could consolidate their precincts to keep 1987 election costs down, then the Board of County Commissioners must follow the relevant statutory procedure for these consolidations to be considered legal.

Last month I sent a copy of the current statutes explaining the process for making precinct changes. Please read through the rules that I sent to you so that you will be procedurally and legally correct in making boundary changes. If you cannot locate the copy of the statutes that was sent to you, please notify me by phone (317-232-3929 or toll-free at 1-800-622-4941) or send me a letter and I will send you another copy. It is important that you act promptly concerning boundary changes so that your proposed changes will receive the proper review. Thank you for your cooperation in these matters.

Sincerely,

Richard Batesky Jr.

Commissioner Borries said that he felt this should be read into the minutes, particularly because of discussion earlier re all the rezonings. If these PUD'S are accepted into the City Limits, then he can almost tell you (since he lives in that area and that happens to be Ward 1 Precinct 2) he is going to request that they study that precinct, because it is going to be much larger than the precinct is now. He thinks we'll have to look at that and determine if they would be eligible to vote in the City election if they are going to be in the City Limits. He doesn't know about the Town of Darmstadt. He guesses we could forward a copy of the letter to them so they can see if there would be any changes in regards to any precincts that would vote in the town elections there in Darmstadt. Commissioner Borries said he did want to make these comments for the record. He asked Mr. Lindenschmidt if the Commissioners office had received anything from the State Board -- he can't recall.

Mr. Lindenschmidt said this is all they've received to his knowledge -- and this just came in the other day.

Mr. Jeffers said there is one large area that was annexed to the city on the north side beyond T. J. Maax. There is one residence there. He believes the resident would now be eligible to vote in the City Election.

Commissioner Borries said he supposes the Commissioners could contact the Election Board.

Commissioner Cox interjected that it is just routine that you do this every year and they have to have it submitted by a deadline, because they have to review them and get them back in time. You cannot change precinct boundaries during period from the spring to the fall. She would think this is possibly just a formality letter that went out to everyone.

Mr. Lindenschmidt said the Lloyd Expressway has cut some precincts in two and there is a long distance to travel to get around it. Some streets have been eliminated.

Commissioner Borries said there were complaints from some individuals who used to vote at the Armory, because they can't get down....

Mr. Lindenschmidt interjected that this is all on one side. But we have a couple of precincts that are partially on the east side of the Lloyd Expressway.

Commissioner Cox said she thought the Surveyor's office and County Commissioners traditionally had used natural geographical boundaries as boundaries for precincts such as highways, creeks, rivers, etc.

Mr. Jeffers said the precinct Mr. Lindenschmidt is speaking of we'd used the centerline of Division Street and now he believes he is suggesting that we might consider the centerline of the Lloyd Expressway as the boundary.

Mr. Lindenschmidt said there is one that comes across Lloyd Expressway. Part of the precinct is now on each side of the Expressway. Since we have a wall now and not an open street -- he believes this is just east of Weinbach.

Commissioner Borries asked that Mr. Lindenschmidt proceed to check on this, because we may have to change some boundaries. Among the precincts mentioned were C-6, K-2, etc.

Mrs. Cox said they've already divided that once -- making it K-2 and K-4; she believes this is right. K-2 is still way up over 1,000.

Commissioner Borries said these are in the county and would not be as effective....

Commissioner Cox said 1-2 is another very large precinct; it has over 1,000. There are about five (5) of them; 4-16 has about 1,200.

Commissioner Borries said that perhaps the Board should send out a notice to both County Chairmen and get some input as quickly as we can. But we should know after these rezonings whether changes are going to have to be made.

RE: EUTS

The meeting proceeded with Commissioner Borries stating that Ron Jessop and a number of residents called and petitioned that a study be made of the Mill Road-Happe Road intersection. In response, EUTS conducted a study and Mrs. Zigenfus' cover letter and report were as follows:

To: Vanderburgh County Commissioners
From: Rose Zigenfus
Re: Mill Road - Happe Road Intersection
Date: November 13, 1986

EUTS conducted a traffic study of the above location at your request. Attached please find the EUTS staff report and

recommendation. Should you have any questions please contact me.

To: Rose Zigenfus
From: John Stoll
Re: Mill Road - Happe Road Intersection
Date: November 11, 1986

The intersection of Mill Road and Happe Road is currently a two-way stop on Happe Rd. The northbound approach of Happe Road has an AADT of 88 vehicles per day, and the southbound AADT is 111 vehicles per day. The eastbound AADT on Mill Road is 88 vehicles per day, while the westbound AADT is 76 vehicles. These traffic volumes are not enough to justify a multi-way stop intersection according to the Manual on Uniform Traffic Control Devices. There is a small hill on Mill Rd. approximately 250 ft. east of Happe Rd., and the average westbound speed over this hill is 34 miles per hour. According to the Sheriff's Department there have been no reported accidents in 1985 or 1986 at this intersection. Therefore, due to low traffic volumes, no excessive speeds and no accident experience, it is recommended that the intersection remain as a two-way stop.

Commissioner Borries asked Commissioner Cox whether she has comments on the report? Should a copy be sent to Mr. Jessop? She responded in the affirmative.

Commissioner Cox said that if we're planning any improvements to Mill Rd. out in that area and we're doing work in the area, there is a bad dip in Mill Rd. east of Happe Rd., and perhaps we could fill that.

Commissioner Borries requested that Mr. Easley look at the Mill Rd. - Happe Rd. intersection and determine if there is anything other than making this a 4-way stop that we can do to improve sight visibility or anything.

RE: TRAVEL REQUEST - WEIGHTS & MEASURES

Commissioner Borries said Mrs. Loretta Townsend is requesting permission to attend the Indiana State Board of Weights & Measures Inspectors' Conference & Training School. She is requesting mileage, since the county van must stay here to be used. Nights involved will be January 6, 7 and 8.

Motion was made by Commissioner Cox that the request be approved, with a second from Commissioner Borries. So ordered.

RE: REQUEST FOR PETTY CASH FUND - WEIGHTS & MEASURES

Commissioner Cox commented that she was trying to find letter from Loretta Townsend concerning petty cash fund; she wanted this in the minutes. Commissioner Borries said he remembers this but does not have a copy in his meeting file.

Mr. Jim Lindenschmidt presented copy of letter prepared for Commissioners' signatures concerning the matter, as follows:

November 10, 1986

To Whom It May Concern:

Loretta Townsend of Weights & Measures has requested that she be allowed a petty cash fund of \$100.00 to be taken from her "Other Supplies" Account No.. 130.1-170.

This letter is to inform you that Mrs. Townsend's request meets with our approval. She has assured us that she will keep a record of what is spent and that the money will be kept under lock and key.

Sincerely,

Board of County Commissioners
of Vanderburgh County

Robert L. Willner, President
Richard J. Borries, Vice President
Shirley Jean Cox, Member

Commissioner Cox asked if it was ever determined whether this petty cash account is going to be a revolving account or just used? As she understands it, when she goes in to test the washing machines and other coin operated devices.....

Mrs. Margie Meeks interjected that it will be used when the money can be refunded. If she is unable to obtain a refund, then it will just be used.

Commissioner Cox queried Chief Deputy Auditor Sam Humphrey as to his feelings re the matter.

Mrs. Meeks interjected that Ms. Townsend said that if someone is on duty to refund the money she has put in the device (washer, dryer etc.) she will get the money back. But if no one is there when she checks it, then she won't get it back.

Commissioner Cox asked if it is proper to call this a petty cash fund -- to be used for this purpose? She can see where we don't want her to have to use her own monies to do this; she is working for the county and testing these machines to see if they are working -- and if it says 10 minutes, if it actually works for 10 minutes, etc.

Mr. Humphrey said he will check and advise the Commissioners next week. But he thinks perhaps that this would be appropriate.

RE: OLD BUSINESS

BUILDING COMMISSION - HOUSE MOVE: It was noted by Chairman Borries that Mr. Jim Lindenschmidt will give the Board a report in behalf of the Building Commission concerning house move, etc.

Mr. Lindenschmidt said he has the following request from the Building Commissioners' office:

Building Commission
310 Civic Center
Evansville IN 47708

Dear Sir:

Elmer Buchta, Inc. requests permit to move a house from 1929 Chickasaw Drive (Tax Code #4-93-22) to 2231 Culverson Avenue (Tax Code #13-166-3). We will travel south on Chickasaw to Pollack; Pollack west to Alvord, Alvord south to Culverson, and Culverson east to Lot.

Owner is Jack Rheinhardt.

Sincerely,

Jim Kabrick

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

Complaint re 6310 N. Green River Rd.: Mr. Lehman received a complaint concerning 6310 N. Green River Rd. They have made an investigation and have sent owner a letter, as follows:

Mary Jordan
6310 N. Green River Rd.
Evansville, IN

Dear Madam,

Inspection of the above property reveals several violations of Vanderburgh County Housing Ordinance. They are as follows:

- 1) Trash and debris
- 2) Weeds
- 3) Dilapidated front and rear doors
- 4) Front and rear steps caving in
- 5) Basement windows broken
- 6) Dilapidated front and rear storm doors
- 7) Standing water in basement

The trash, debris and weeds must be removed within 14 days. A plan for completing the other repairs must be submitted to our office within 14 days and must include a time schedule.

Mr. Lindenschmidt said Mr. Lehman just wanted him to report that they have taken action on the complaint. He said he imagines it will come before Code Enforcement.

Mrs. Cox remarked, "It's in the county."

Mr. Lindenschmidt asked, "Don't they do that in the county, too?"

Mrs. Meeks said she thinks it is just up to the Building Commission.

Monthly Report: Mr. Lindenschmidt also submitted monthly report from the Building Commission for period October 1986.

RE: PUBLIC HEARING - CABLE T-V FRANCHISE

Commissioner Cox said her records reflect that the Commissioners were supposed to hold a Public Hearing tonight re Cable TV Franchise.

Mr. Borries said the ordinance on Community Cablevision to Cable Equity has been postponed and will have to be rescheduled.

RE: DRAINAGE ORDINANCE

Also scheduled on the agenda for November 24th is the matter of the amended Drainage Ordinance for subdivision code.

RE: CONGRATULATIONS TO HARRISON WARRIORS

Commissioner Borries said that with Commissioner Cox's permission, he would like to send a brief letter of congratulations to the Harrison Warriors in behalf of the county for their showing in the State Football Playoffs. They ran a few games short, but had a fine season and finished at 10-2. They represented the city in Indianapolis this past week.

Commissioner Cox concurred that said letter should be sent.

RE: SCHEDULED MEETINGS

The County Auditor contacted the County Council regarding the Commissioners' request re hearing scheduled for Wednesday, November 26th. Said hearing will now be held at 1:30 p.m. on

Wednesday December 3, 1986. This is public hearing regarding the division of powers between the legislative and administrative bodies of Vanderburgh County.

RE: CLAIMS

David L. Jones: Claim in the amount of \$1,206.00 for contractual services rendered in pending litigation, which existed prior to Mr. Jones' departure as County Attorney. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

Parking Lot Problems/Vanderburgh Auditorium:

Commissioner Cox brought up matter of complaint re continuing problems with the parking gates at Vanderburgh Auditorium Parking Lot. There is litigation pending, and it is not clear as to whether Attorney John or Attorney Miller is handling this. Nonetheless, we have a complaint re the parking gates and continuing problems with parking gates at the Vanderburgh Auditorium. Manager Kim Bitz has documented the calls he has given to the Stanley Corporation and Central Glass (equipment installer for Stanley Corporation). Mr. Borries said he will contact Mr. Bitz regarding the complaints. He has typed up a list of continuing complaints and problems. It is still under warranty. Thus, we're asking that Central Glass make good on the warranty repairs. It was subsequently determined that Attorney Curt John is handling the complaint matter.

RE: EMPLOYMENT CHANGES

County Treasurer (Appointments)

M. Jane Berry	Chief Deputy	\$21,433/Yr.	11/17/86
Candace Mosby	Cashier/Head Bkkpr.	\$14,298/Yr.	11/17/86
Beth Kerchief	Cashier	\$13,338/Yr.	11/17/86
Marlene Brannon	Cashier	\$12,800/Yr.	11/17/86
Beatrice Freeman	Counter/Posting	\$12,800/Yr.	11/17/86

County Treasurer (Releases)

Wayne Pasco	Chief Deputy	\$21,433/Yr.	11/14/86
M. Jane Berry	Cashier/Head Bkkpr.	\$14,298/Yr.	11/14/86
Beatrice Freeman	Cashier	\$13,338/Yr.	11/14/86
Beth Kerchief	Cashier	\$12,800/Yr.	11/14/86
Candace S. Mosby	Counter/Posting	\$12,800/Yr.	11/14/86
Marlene Brannon	Part-Time	\$35.00/Day	11/14/86

Election Office (Releases)

Sandie Deig	Supervisor	\$5.70/Hr.	11/14/86
Carol Jean Primm	Deputy Clerk	\$5.40/Hr.	11/14/86
Warren Thompson	Bal. Assem.	\$5.70/Hr.	11/14/86

County Surveyor (Appointments)

Wayne Pasco	Rodman	\$16,232/Yr.	11/17/86
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There being no further business to come before the Board at this time, Commissioner Borries declared the meeting adjourned at 9:05 p.m.

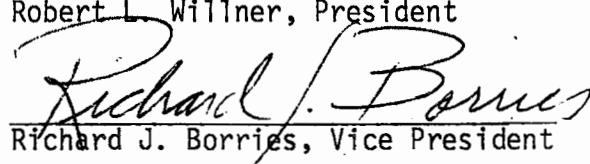
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>ATTORNEY</u>
	R. J. Borries	Sam Humphrey,	
	Shirley J. Cox	Chief Deputy	Curt John
	R. L. Willner (Absent; on vacation)		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>SURVEYOR</u>
	Andy Easley	Bill Bethel	Bill Jeffers
			Chief Deputy

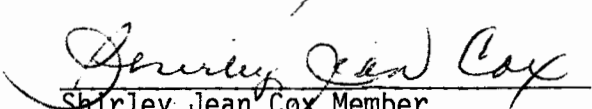
OTHER

Miscellaneous Residents
News Media

SECRETARY: Joanne A. Matthews

Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 1, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 1, 1986 in the Commissioners' Hearing Room with President Willner presiding.

Since it was the first meeting of the month, the meeting was opened by Sheriff Clarence Shepard, who declared the Commissioners in session pursuant to adjournment.

It was announced by President Willner that approval of the minutes of previous meeting will be deferred due to short work week as a result of Thanksgiving holiday.

RE: SURPLUS VEHICLES & COMPLAINT ON BIGGERSTAFF PROPERTY
IN UNION TOWNSHIP

The Chair recognized Sheriff Shepard, who read the following letter:

"Dear Commissioners:

I'm declaring Sheriff's Department vehicle #228 (a 1978 Chevrolet Van, Serial #CGL368U1666600) as surplus. We will deliver the vehicle to the County Garage later this week."

Sheriff Shepard explained that this van is the school liaison van. A new one has been ordered and in the interim he is using Car #222 (a sedan) until the new van comes in; hopefully, within the next couple of weeks. The maintenance man will take the van out this afternoon and strip the van of the red lights and radio and it will then be taken to the County Garage on Thursday or Friday and the keys relinquished to Mr. Bethel.

Complaint re Biggerstaff Property: Sheriff Shepard said he received a call from Herb Roberts, the attorney for the Humane Society. Some months back we had a problem with the Biggerstaff property out on Cypress-Dale and Graff Rd. re animals and the fact that there was an amount of trash on the property. The Commissioners took some action at that time concerning the matter and he would like to know just what decision was rendered in the matter. He sent an officer out there today to take photographs of the property. The Sheriff's Department has received several complaints. Saturday afternoon they were advised by the Humane Society that there was a young cat being tethered out there with no shelter and there appeared to be no food for the animal. The officers went out there to meet the owner, but he never showed up. During his conversation with Mr. Roberts this morning, Mr. Roberts requested that the Sheriff bring this matter to the Commissioners' attention. He had an officer go out at noon today to take pictures of the condition of the property. They were starting to place trash/junk around. There are presently four (4) dogs living out there -- in and out of the building, not on a leash. He presented the photos to the Board for their perusal, pointing out they will illustrate the conditions on the property. His question is, "Did the Commissioners reach an agreement as to what Mr. Biggerstaff is supposed to do? How do they want the Sheriff's department to follow up on this?"

Commissioner Willner said the Board of Commissioners asked the Prosecutor to take a look-see to determine whether any laws have been or are being broken. They turned all the information they had over to the Prosecutor -- and this is where it is.

Commissioner Borries said that he and Commissioner Cox testified in Judge O'Connor's Court. There was a decision in the case and Judge O'Connor ordered him to do some things. He would suggest that Sheriff Shepard contact Judge O'Connor directly, because there was a decision in the case.

Sheriff Shepard said his department received complaints that Mr. Biggerstaff is again starting to throw trash and junk back out on the property again and using it for a depot. With the Board's permission, he will contact Judge O'Connor and follow through for any further action.

RE: AUTHORIZATION FOR COUNTY ATTORNEY TO FILE A DECLARATORY JUDGMENT

Commissioner Willner directed the group's attention to Item #13 on the agenda. This concerns authorization for the County Attorney to file action for a declaratory judgment to establish that the Commissioners' actions regarding the Washington-Hillcrest Childrens' Home is correct. What has transpired in talking to Attorney David Miller is that if the position of Director of the Childrens' Home is contested and the existing statutes are certainly in conflict -- one statute saying that the authorization to run the Washington-Hillcrest Childrens' Home is taken from the Welfare Department and given to the County Commissioners. Another one says that the present appointment to the directorship of that home cannot be changed other than by the person making that appointment. Thus, the statutes are in conflict and before we get too far down the road we need to ask for declaratory judgment from the courts to decide which is legal. There has been some contact from the State and they may well join in this declaratory judgment on either side, to their choosing. But we need to do this and do this immediately because it takes some time. We would hope that a declaratory judgment will come before the end of December, but that is not a sure thing. He will try to answer any questions as to why this is needed or whatever. If either of the other Commissioners wish to add anything to his statement, they are welcome to jump right in.

Motion was made by Commissioner Borries that the County Attorney be authorized to prepare such action, with a second from Commissioner Cox. So ordered.

Commissioner Willner said he appreciates the unanimous vote, because it is a question that needs to be resolved. He is sure that the Legislature in their intent did not wish to leave this thing hanging in limbo -- but they did, and we need to work through it.

RE: PROPOSALS FOR CONSULTANT SERVICES/VANDEBURGH AUDITORIUM

Commissioner Willner said it is his understanding that the matter of proposals for Consultant Services at the Vanderburgh Auditorium has been deferred until such time as the Auditorium Advisory Board can review said proposals.

Mr. Bitz said he has a request from the Building Commission concerning utilization of the Gold Room on December 3rd from 6:00 - 9:00 p.m. for purposes of conducting the Sheet Metal Licensing Test. The Building Commission advises there are at least 65 persons taking the test and they will have several books and papers on the tables. Another suitable site cannot be located and they ask to use the Gold Room.

Commissioner Cox asked where they usually conduct tests? Mr. Bitz responded that he does not know.

Commissioner Willner asked if the upstairs Mezzanine at the Auditorium would serve the purpose? He thinks the Mezzanine would accommodate the 65 persons. If the Commissioners agree to

the use of the Gold Room and someone calls tomorrow and wants to rent it, then there'd be a conflict. If they agree to use of the Mezzanine, then it won't bother anyone. A motion was entertained.

Motion was made by Commissioner Borries that the request be granted, with Mezzanine to be utilized, with a second from Commissioner Cox. So ordered.

RE: HOME BUILDERS ASSOCIATION- TONY CLEMENTS

President Willner said that Mr. Tony Clements of the Home Builders Association is present to request that the amended Subdivision Code Drainage Ordinance passed by the Commissioners on November 24th be retroactive. He asked Mr. Clements for what period?

Mr. Clements said they are requesting that the County Commission allow all prior approved subdivisions that were required to have Homeowners Associations be allowed the alternative as included in the above-referenced ordinance. In other words, they would now have the option of having either a Homeowners Association or pay the fees for future maintenance.

President Willner entertained questions from the Board.

Continuing, Commissioner Willner said the ordinance requires that they pay a fee per lineal foot of drainage basin to maintain or have a Homeowners Association to maintain the drainage basin. Those are the two options. He sees nothing wrong with permitting them to choose the alternative.

Commissioner Cox asked if it would be asking too much or be too difficult if changes are being made from Homeowners to fee for maintenance of drainage basin that this be run through the Commissioners' meeting so there is something on the official record? Could the Area Plan Commission give the Commissioners a report every so often?

President Willner asked, "Suppose that if a drainage plan were changed from one to the other that they would have to notify the APC so that they could put that on their plot?"

Ms. Behme said most of the ones that Mr. Clements is talking about are already recorded.

President Willner said, "One way; if it were to be changed, then it would have to be re-recorded the other way. If the Commissioners pass this resolution today, then they would be allowed to change them at their own will. But they would have to let the Area Plan Commission know so it could be recorded."

Mr. Clements said they would have to re-do the plats and bring it back to the Board as a changed plat for the APC to change, then they'd have to re-record the plat. It is his understanding that if they want to change it, they will have to correct the plat and then pay to have it re-recorded.

Commissioner Borries said that if Ms. Behme could let the Commissioners know the status of each one as they come through, he thinks this is what the Commissioners would want to know -- so that if those changes are made the Commissioners would be aware of it.

Commissioner Willner asked County Engineer Andy Easley if he has any problems with this?

He said, "No, I'm not so sure that I see the necessity to re-record the plat." He asked that if it is a matter of adoption of a certain way of maintenance of those facilities, wouldn't just a single letter form of agreement between the Commissioners that they wish to pay this much money and not use a Homeowners Association? Is that what they are going to elect to do?

Mr. Clements said he just wants to do whatever the Commissioners want him to do.

Commissioner Willner said that something needs to be attached to the plat.

Mr. Easley said the purpose of the plat is for the surveyor to retrace the lots.

Commissioner Willner said the plat is also so prospective home builders will know what is going on.

Commissioner Cox said the fee for re-recording is not that much and she feels it should be in the plat for everyone's protection.

Mr. Clements said he doesn't want any question about it to come up a year from today.

It was the consensus that the plat should be re-recorded. Commissioner Cox said she would like these to run through the Commissioners' minutes, because the minutes reflect that a Homeowners Association is to be formed -- and there should be some continuity. If there is any change, the Homeowners Association will notify Area Plan Commission who, in turn, will notify the Commissioners.

Mr. Clements asked, "If I want a change, I will make the changes according to the ordinance and bring the plat to APC who will then re-record the plat and notify the Commissioners that this has been done?" Ms. Behme confirmed this as correct.

The Chair entertained a motion.

Motion was made that the request be granted, with a second from Commissioner Cox. So ordered.

RE: WELFARE DEPARTMENT

Mr. Schroeder said that last week there was discussion that the Welfare Department was going to have to set up a lease with the Building Authority. The Building Authority said it should be with the Commissioners and the Commissioners would rather that it be with the Building Authority. He said this is neither here nor there. He did promise the Commissioners last week, however, that he would check back with them concerning progress, so we could go about preparing the lease proposals required by the State. What information do the Commissioners have relative to the problem?

Commissioner Borries said he doesn't have anything to report. Attorney Miller is not here today, so he can't provide Mr. Schroeder with that report. There is a person in his firm who represents the Building Authority and they were to talk; but he has not yet received a report. He will see if he can have a report by next week.

Commissioner Willner asked if Mr. Schroeder gave this to the Commissioners in writing?

Mr. Schroeder said he did not; they just discussed the situation. He needs to draw up a plan and the way it is set up is that whoever is proposing to lease to the State agency is supposed to submit a proposal. What he intended to do was to draw this up and submit the plan to the Commissioners. That will have to be done early this month. The State has requested that this plan be drawn up on the proper State forms.

Commissioner Willner asked, "They're requesting an allocation of space?"

Mr. Schroeder said this is correct. What he will have to do -- if it is going to be the present space allocation, he will draw that up for six months.

Commissioner Willner asked what they are requesting?

Mr. Schroeder said they are requesting an additional 5,000 square feet, which is a 50 percent (50%) increase.

President Willner asked if anything is needed other than the additional space?

Mr. Schroeder said they did request that the space be contiguous to that which they have. They currently have an office on the third floor and the main office on the first floor and there is quite a bit of wasted time and effort. There isn't enough room in the third floor office for those people to keep their files there. This necessitates their running back and forth to the first floor to obtain files whenever they are going to work on something or discuss with a client or someone else involved.

President Willner asked if they are going to increase their capacity or is this just to absorb what they have now?

Mr. Schroeder responded, "Both. We expect to have increased staff size. We also expect to have additional computers and other equipment."

President Willner queried Mr. Schroeder concerning additional staff.

Mr. Schroeder said it appears at this point in time that they have requested an additional 10 persons, plus they will probably have the addition of four to five computer units. They currently have total staff of 153 people in the Welfare Department. This includes staff of 151, plus two (2) from the State Welfare Dept. assigned to them for quality control. They currently have seven (7) computers.

Commissioner Cox asked if the State will be amenable to entering into a six months lease? Also, the Commissioners requested that Mr. Lindenschmidt contact Mr. Gil Ruston and have him give the Commissioners the room numbers of unused space in this building.

Commissioner Willner asked if Mr. Ruston provided the Commissioners with this information?

Commissioner Borries said, "Not to my knowledge -- and Mr. Wes Bowers is out of the office. But he is to return Commissioner Borries' call and the questions were outlined to the secretary.

Commissioner Willner asked Mr. Borries if he knows whether Mr. Lindenschmidt requested space allocation information from Mr. Ruston? Mr. Borries said he does not know.

Commissioner Cox said she believes he did make the request, because when she called Tuesday morning, Mr. Lindenschmidt was down at Mr. Ruston's office.

The Chair entertained further questions.

Commissioner Borries said he put in a call to Wes Bowers' office. He is not in, but will return his call. He will ascertain whether Mr. Bowers has had an opportunity to talk with David Miller regarding the possibility of putting the State of Indiana on the original charter and that gives the Welfare Department the flexibility to do what they need to do.

President Willner asked Mr. Schroeder that if we come up with some space that was not on the same floor, would they be amenable to that? Or, would that be turned down?

Mr. Schroeder said, "That depends on how far. It might be possible for them to move certain segments; but they'd all have to be moved -- they just couldn't move two or three people. If

this were the case, he'd be interested in looking at the situation. But he thinks it would depend on how close and how much room was available. They might be able to move an entire unit and while this would be a problem, it wouldn't be quite the problem.....

Continuing, Mr. Schroeder said Commissioner Willner asked if this is for additional staff or just to expand? He said it was both and he believes he covered the amount of space available during the last meeting. One thing not discussed was the traffic flow into the office. They see between 6,000 and 8,000 people per month (issuing the stamps, etc.) and all of that has quite a bit of bearing on this. Right now they are stacking their files in the aisleway; they have their coordinator for the disabled for requirements they have to meet and they can't meet those currently because of the aisleways and the amount of stuff they have in that space. Thus, they have to seek something to alleviate this and the additional they expect. There are several other things that possibly might be coming, but they are purely conjecture at this point in time and this is not included in the question and this space is not considered in that either. But they know a lot of changes are coming in the State Welfare Department. But the people in control of those changes have not yet been appointed. Thus, it would be improper to discuss the changes at this time.

Commissioner Willner interjected, "I'm sure you'd rather have it on the same floor, but I'm pretty sure it is impossible for us to do that."

President Willner asked if Mr. Schroeder has studied the situation and has a recommendation at this time?

Mr. Schroeder said until he can obtain some information from the Commissioners concerning additional space, he cannot make a recommendation. What he is going to do -- we have such a short time frame here -- at this point in time is that he is going to draw up document for the lease of their current space -- so we can at least get that on the books just the way it is right now. Then we'll both have to see what can be done. If there is just nothing available, then the State would probably not want them to have a lease that would extend beyond the time frame. They really have to worry about the additional staff and computers they have scheduled.

President Willner said he has just been informed that Mr. Lindenschmidt did talk with Mr. Gil Ruston. Mr. Ruston's reply was that there is just no space period. Mr. Willner said he doesn't believe the Commissioners should take that on face value; rather, he believes the Commissioners should satisfy themselves that what Mr. Ruston says is absolutely Gospel -- then they'll put that in writing to Mr. Schroeder. He asked if this will be agreeable? Mr. Schroeder said this will be fine.

Commissioner Borries said the Commissioners will report back to Mr. Schroeder as soon as possible. The Commissioners will investigate and consider the request and get back to Mr. Schroeder.

RE: REQUEST FOR ADDITIONAL SPACE - COUNTY ASSESSOR

Commissioner Willner said it is his understanding that the County Assessor is in the process of drafting a letter with the same request for the coming reassessment. His office is in about the same situation as that of the Welfare Department; the desks are on top of one another. While the Commissioners are studying the Welfare matter, they will take a look at the Assessor's situation. He is not sure what the law entails for reassessment, but he is certain they do need some space. Thus, the Commissioners will await receipt of the letter from Mr. Angermeier.

RE: ORDINANCE RE GROUP HEALTH INSURANCE FOR QUALIFIED RETIRED EMPLOYEES

President Willner said the Board has an ordinance providing group health insurance for qualified retired employees. The statute that has been passed by the Indiana House and Senate qualifies any person in any county in the State of Indiana having a period of 20 years' uninterrupted.....

Attorney Curt John said he would like to preface discussion concerning this ordinance with the following remarks.

Just prior to enactment of the State statute which is set forth in this ordinance, the Federal government set out some requirements concerning certain employers (such as yourself) concerning the extended group health benefits for individuals who are no longer employed. The times vary from 6 months to 18 months, and allows that employee who has either been discharged or who has left employment to continue those benefits. But they do need to make those monthly payments. At about the same time, the State of Indiana came in and adopted a statute requiring certain employers (such as yourself) to provide certain qualified employees these extended benefits. It is set out here that in order to qualify, the employee must retire after June 30, 1986. The employee has to reach age 55 and has to have at least 20 years' service prior to retiring. It does not have to be consecutive. It just has to be employed through one of the governmental entities. At least 10 of those years has to be served immediately prior to the date of retirement. In other words, if they worked for 10 years up to retirement and did not work five (5) years prior to that, and worked ten (10) years prior to that for a total of twenty (20) years, they would be qualified. Fifteen of those years would have had to have been completed with participation in the retirement plan. It allows the participating unit to contribute toward the cost of the group health insurance and this ordinance basically states that if the employee is qualified that he can continue until he reaches the point where he is entitled to Medicare. You all would be required to pay one-half of those premiums and the governmental entity of Vanderburgh County will pay the other half of those health benefits. It also allows that retired employee who is qualified to put his spouse on the plan and that is set out below, as well. That does not continue until they reach the age of Medicare; the maximum is two years. In response to question, Attorney John explained that this applies to the spouse of a deceased retired employee -- the maximum is two years. The retired employee himself or herself would be entitled to remain in the plan until they reach the age where they can receive Medicare. If the retired employee dies, the benefit could only be extended two years. Attorney John said until the spouse reaches the age where they are entitled to Medicare. If the employer terminates the health plan currently in effect, two years after the date of the employee's death or the date that the spouse remarries. The two years is in line with the COBRA extended benefits.

Commissioner Cox asked, "And the county will continue to pay one-half? It would be a single premium then, if the spouse died."

Attorney John said the way that the ordinance reads is that the spouse of the deceased employee makes the payments that the deceased employee would have been making. So that can be interpreted to mean that if the premium is cut in half, they would be paying the entire half -- the same as if the spouse were still alive. If the premium is \$100 and the county is paying \$50.00, and the retired employee is paying \$50.00, upon death it is the same plan and the premium is \$50.00 and the spouse would be paying \$50.00.

The Chair entertained further questions. There being none, Commissioner Willner asked, "If the ordinance is adopted without dissenting vote, how many times do we need to advertise -- once or twice?"

Attorney Curt John said he will have to check. Did Commissioner Willner plan to pass the ordinance at this meeting? Or, would the Commissioners like to study it? Commissioner Willner said that if they pass it at this meeting, it has to be advertised once or twice and he doesn't know which -- that is the problem.

Commissioner Cox asked, "Is this something the County Council will also have to pass?"

Attorney John said they will be required to appropriate the money. He has discussed the matter with Attorney Miller and he is of the same opinion -- that they are not required to pass the ordinance, but it would be subject to funding.

Commissioner Willner said that at one time he knew how many employees were eligible for this. He asked if Deputy Auditor Sam Humphrey can answer this? Attorney John said Margie Meeks has a list compiled. Commissioner Cox said there are several eligible, employees, but she believes there are only two who are considering retiring this year.

The Chair entertained further questions. Commissioner Willner then asked if the other Commissioners agree with the 50%? Both Commissioners Borries and Cox indicated agreement. It was the consensus that most people would retire somewhere around age 62 and they are eligible for Medicare at age 65. So there would be the three year period. Commissioner Borries said he doesn't believe there would be a long period of time in terms of those individuals who would be eligible for this prior to going on Medicare.

Commissioner Willner cited portion of eligible employees list, as follows: "Through 1986, between 55 and 59 years old, with over 20 years of service." The first two names on the list are Peggy Powless and Robert Willner, with 22 and 23 years, respectively. Dan Hartman has 20 years service. Commissioner Willner said of the 15 names listed, the ones he knows are retiring are Alice McBride and Shirley Stucki.

Attorney John said he would point out to the Commissioners that under COBRA, they would be entitled up to three years anyway. They wouldn't pay their full premium themselves.

Commissioner Willner read the following names from the list:

Dan Hartman	Betty Hempfling	Norman (Red) Mosby
Jim Angermeier	Robert Dorsey	Bernice Yerbog
Marian Heppler	William Heppler	Virginia Landers
Alice McBride	William Miller	Rosemary Norbury
Arella Ray	Shirley Stucki	Lee West

Of all the foregoing, there would be Alice McBride, William Heppler and Shirley Stucki.

Commissioner Cox said she only knows of two who definitely plan to retire. Bill Heppler may work somewhere else.

There being no further questions, the Chair entertained a motion.

Commissioner Borries moved that the ordinance providing group health insurance for qualifying retired employees of Vanderburgh County be approved, with a second from Commissioner Cox. So ordered.

Commissioner Willner then asked for a roll call vote:
Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes.

RE: COUNTY ATTORNEY - CURT JOHN

Electronic Gates/Auditorium: Attorney John said there have been problems with the electronic gates at Vanderburgh Auditorium parking lot. He has been in contact with the Stanley Doors people in Indianapolis, and they have assured him that they will have them repaired no later than this Wednesday. He guesses time will tell whether or not they fulfill that obligation. The Commissioners can have a discussion as to whether or not they wish to take any other action. The gates have not been working since at least the end of September. As a result, there has been a considerable loss of revenues and expenses incurred.

Commissioner Willner asked if the gates are still under warranty for a period of one (1) year? Attorney John said he will have to check this out. Even if they aren't, Stanley stated on their bid that parts and service were immediately available, and a considerable amount of time has been spent by Mr. Bitz contacting Central Glass, Indianapolis, the local representative, etc., and no action has been taken to this point.

RE: COUNTY HIGHWAY

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period November 24 thru November 28, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Clover Drive

Paved: Heinlein Rd., Colonial Garden Rd.(not finished)Cold Mix.

Patched: Buente Rd., Colonial Garden Rd.

Grader: Buente Rd., Long Rd., Deusner Rd., and Happe Rd.

Tree Crew: Marx Rd.

Commissioner Willner said he guesses the weather stopped the paving program. Does Mr. Bethel have a little money left in the paving account?

Mr. Bethel said he is trying to get Colonial Drive finished. But trying to pave it with cold mix, rather than patch. With regard to money, they are holding their own.

Commissioner Willner asked with the winter months coming on, does Mr. Bethel have enough salt, calcium chloride, patching material, etc. Mr. Bethel responded that they have these items in stock. Mr. Willner asked how many trucks Mr. Bethel has with snow plows? He responded they have six (6) and three (3) graders. Commissioner Willner asked if we didn't order some new snow plows? Mr. Bethel said we ordered new snow plows and salt spreaders. They are ordered -- but not in. Delivery was to have been within 4-6 weeks and they have been ordered now for about three weeks.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the work report for the Bridge Crew, as follows:

Replaced pipe on Clover Drive.
Replaced guard rail on Baseline Rd.
Cleaned pipe on Marx Rd.
Replaced guard rail on St. Joe Avenue & Mohr Rd.
Cleaned out pipe on Pollack Avenue

Weekly Absentee Reports: Also submitted for the same period were the Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Willner entertained further questions. There were none.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Acceptance of Street/Whispering Hills. Section "A": Mr. Easley said the street in Whispering Hills was paved the latter part of the summer. Acceptance of subject street was deferred until such time as the Commissioners could look at it. It is paved with three (3) inches of hard asphalt on six (6) inches of crushed stone base and has been constructed in accordance with approved plans. It is a 24-ft. wide road. This is in Mr. Elpers' subdivision. There was some discussion as to whether this is in Section "A" or Section "B", and it has been determined that it is in Section "A".

Following brief discussion concerning the various section of Whispering Hills, Commissioner Willner asked Mr. Easley for his recommendation. Mr. Easley said he recommends that the 887 ft. (0.17 mile) of Brush Ridge Rd. in Whispering Hills, Section A, be accepted. He asked Commissioner Cox if she saw the street and, if so, what did she think of the paving?

Mrs. Cox said it is hot mix and she doesn't know how it is going to hold up during the winter and during construction period vehicles are permitted to go in to build the homes. There are a lot of pieces of heavy equipment which will be utilizing the road. She also has a notation that there are no street signs. Who is going to handle this?

Mr. Easley said they have not been installed yet. He believes the sign shop has been handling these.

Mrs. Cox asked, "You mean we're accepting street without street signs?"

Mr. Easley responded that it is his understanding that for years the sign shop has put up street name signs after a subdivision is constructed. Commissioner Willner said he believes we've always done this. Commissioner Cox said she wasn't aware that the county did that. Do we have that in writing -- that we put up street signs? Mr. Easley said he doesn't know how the policy got on the books, but that is his understanding.

Commissioner Cox said she knows signs are up in Bentwood Subdivision. She drove Tall Timbers and they do have street signs up there and those roads aren't yet accepted -- so someone has put them up. Mr. Easley said he didn't initiate the signs -- so he doesn't know how they got up. The sign shop gets requests; there are developers around town who have built several subdivisions and perhaps they have communicated with the sign shop.

Commissioner Willner said there is a new person in the sign shop. and requested that Mr. Easley check with David Savage concerning these street signs.

In proceeding to discuss Brush Ridge Rd., Commissioner Willner said that when Mr. Easley said this road meets the requirement set forth by the Commissioners of three (3) inches of hot asphalt and six (6) inches of crushed stone, he is not saying whether it will or will not hold during the winter. What he is saying is that it does meet the requirements.

Commissioner Cox said, "I'm just telling you that there are no homes out there and heavy equipment is going to go in and we're going to be saddled with repairs on the street if we accept it. I think we're doing something wrong."

Commissioner Willner stated, "Wait a minute, Shirley, we went through this once before when I was a minority member. We made a hasty decision to stop accepting streets before the homes were built, and you've never seen such a commotion. FHA and none of the banks would approve any loans in that subdivision for any purpose unless they were sure the roads were going to be county accepted. Therefore, this Commission, with his being in agreement, nullified the proposed ordinance and did it the other way. If Mrs. Cox is proposing we go back the other way, he thinks we'll experience the same problems. Builders cannot get a loan.

Commissioner Cox said, "Bob, at the time, we were taking about concrete streets."

Commissioner Willner interjected, "We were talking about all streets."

Commissioner Cox stated, "Well, all subdivisions that have come before this board (with few exceptions) have been either the six (6) inches or whatever it is of concrete -- not asphalt -- and when you don't have the shoulders or the side ditches and the proper slopes, then those roads are not going to last."

Commissioner Willner said, "What you are saying is, first we have to change the specifications for asphalt roads. Is that what you are saying?"

Commissioner Cox asked, "What do you call a minor street -- when the houses are built, then they are fine and there is just traffic coming from the houses. But when we're approving streets before construction where heavy, earth-moving equipment has to move in there as a result of trees being hauled in or out, that is heavy, heavy loads on our streets. I'm expressing my concerns, that's all."

Commissioner Willner said, "I'm listening to your concerns; and if you'd ask whether I'd rather have a concrete street or asphalt street, I'd take my asphalt street two to one. They hold up well, but the soil washes out from underneath them and then you have nothing and then they're hard to fix. If you think that three (3) inches of hot asphalt is not enough, let's make it four (4) inches. I have no qualms with that."

Mr. Easley said that these developers open escrow accounts and put up personal guarantees that this money will be spent to construct these streets. They do that so the plat can be recorded. Now that they have expended the money and put in the streets, they want to redeem their escrow deposits. In many cases these might be savings accounts that are pledged and they cannot get the funds released. In some cases the funds in the escrow account are used to pay the contractors and they have agreements between the APC and the banks that this money will only be utilized to pay these bills and for no other purpose. He doesn't see how we can wait a year. If we want a maintenance bond (and he's not saying that this is a bad idea) then maybe we want a small amount of money left for one year to take care of any repairs. The Commissioners might think about this. If they want to amend the administrative procedures of the Subdivision Ordinance amended, he would not argue this. In some cases there may be some damage. But in most cases the excavation equipment that is used to build a basement would be a small common tractor or a back hoe for the footings. That equipment is not that heavy. The concrete truck is a heavy load.

Commissioner asked why Mrs. Cox doesn't give the Commissioners the pros and cons of her thinking. He has no problems with this and the Commissioners can do some work on it.

Commissioner Cox said that she has asked Barbara Cunningham to look at the signing within subdivisions to see if this couldn't be worked out with the developer putting signs up and she was

looking into that. But she didn't go any further regarding the streets. What she is saying is that here we are with tax base for road and street repair which is tight and these streets are not going to have anything done to them. According to our plan, they should last ten (10) years, more or less.

Mr. Easley said perhaps we should also require the developer to be responsible for the first year's maintenance. Get him to agree to that in writing.

Commissioner Willner stated, "I'd rather raise the specs than do that."

Commissioner Cox said, "A lot of the streets you brought to us, Andy, were completely done last year. They have homes built on them and everything. But then in some of them the asphalt is freshly poured and you are coming in here and we are accepting them -- that's my concern."

Mr. Easley said, "That is because of the escrow deposits. The developers are calling me and they want to get the streets accepted so they can get their money released. Unless we come to the point where we ask for a maintenance bond and let it go for another year, we're going to have this problem."

Commissioner Willner said, "In my opinion that is wrong. If we think the streets won't hold up, let's raise the specs. If it's 3 1/2 inches of concrete and seven (7) inches of rock, let's do it. Talk to some engineers and give the Commissioners their opinion."

Commissioner Cox asked if the utilities are in? Mr. Easley said the gas lines probably are not in because they don't extend the gas lines until there are people who sign up for gas. He doesn't know of any way to force SIGECO to put this in prior to paving. The way the franchise operates it might be all electric homes; or they could go with propane. They have a choice. It's not likely, but.....

A motion was entertained.

Motion was made by Commissioner Borries that Brush Ridge Rd. (887 ft. or 0.27 mile) be accepted for county maintenance. However, he would say that he thinks the Commissioners need to review the specs, because they can't promise any kind of work on these streets for a long time.

Commissioner Willner asked that Mr. Easley look around and find a subdivision that was done in asphalt eight, nine or ten years ago and the Commissioners will go out and take a look at it. That's the only way to tell.

A second to Commissioner Borries' motion was provided by Commissioner Willner. So ordered.

Acceptance of Streets/Tall Timbers: Mr. Easley said there is one other street acceptance which has been pending -- and that is the acceptance of streets in Tall Timbers Subdivision.

Commissioner Willner said Tall Timbers Drive is 1,631 feet; Cedarwood Drive is 1,049 feet; Summitree Court is 360 feet; Timber Ridge Drive is 430 feet; and Pinewood Circle is 276 feet. This is a total of 3,746 feet or 0.710 miles. This is also three (3) inches of hot asphaltic concrete on six (6) inches of crushed limestone base.

Commissioner Cox said she drove through this. There is no shoulder on several of these roads; there are no side ditches; she saw no culvert -- no way for water to get down that one cul-de-sac off Hillsdale. She saw two culverts out there. But one had no culvert for the water.

Mr. Easley said the culverts are where they are supposed to be in accordance with drainage plans approved.

Commissioner Cox said you can see where water has run over the road -- because there are leaves and everything on there.

Mr. Easley said he doesn't believe the water runs over the road.

Commissioner Cox queried Mr. Easley concerning the side ditches. We don't have any shoulders on these roads and the trees are almost right up to the edge of the pavement. When she was out there last week, it was a mess, because the gas company was out there and had dug up Browning Rd. and all along the side going in the one entrance off Browning Rd. and any seeding or anything that we had there was a complete disaster.

Mr. Easley said, "The developer is aware that he is going to have to clean up behind SIGECO. But he thinks the streets are constructed in a manner similar to Bentwood. There are no gigantic rock shoulders in a road like that."

Mrs. Cox said, "This is no way compares to Bentwood."

Mr. Easley said that he and Mr. Bethel went back out there last Tuesday and drove it.

Commissioner Willner said he drove it. He agrees that there is not a ditch every place, because sometimes on a hill water is divided....and he didn't see anything wrong with it. He asked whether Commissioner Borries has a problem with it?

Commissioner Borries said he was out there and couldn't see any problem with it.

Commissioner Willner asked whether anything was done that did not comply with the specifications set down by this Board?

Mr. Easley responded, "No, no."

Commissioner Cox asked, "What about the subdivision ordinance that requires the shoulders and the slopes and the ditches?"

Mr. Easley responded, "The ordinance doesn't require shoulders and ditches."

Commissioner Cox referred Mr. Easley to Page 17 of the subdivision ordinance...

There were brief comments, then Commissioner Willner said, "We're not going to sit here and discuss this."

Mr. Easley interjected, "We need to have a committee and...."

Commissioner Willner continued, "No, I'm going to do it once and for all. I'm going to set up a special meeting with this Board, yourself, and the Homeowner's Association and we'll sit down and review each one of these -- this will be a working meeting -- and we'll go through each one of these and then decide. It is not going to happen here at this board, because this is not the place for it. He asked that Mr. Easley get Area Plan, Roger Lehman of the Building Commission, the Home Builders Association, this group and himself. When they can all get together some afternoon or evening, they'll work together for three or four hours. This is the way to do this --not before this board. A motion was entertained,

The Chair then entertained a motion. Motion to accept streets in Tall Timbers Subdivision as heretofore mentioned was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: APPOINTMENT TO AIRPORT BOARD

It was noted by President Willner that the Board has an appointment to the Airport Authority Board. Jack Kinkel has informed the president that he no longer wishes to serve on the Airport Authority Board and has stated his reason as an extensive work load. Chairman Willner then asked if Commissioner Borries is prepared to recommend individual to replace Mr. Kinkel?

Commissioner Borries said he would like to place the name of Jim Will, Sr. of 5813 New Harmony Rd. as a member of the Airport Board, replacing Mr. Kinkel. A second to the motion was provided by Commissioner Cox. So ordered. President Willner asked for a roll call vote: Commissioner Cox, yes; Commissioner Borries, yes; Commissioner Willner, yes.

RE: BROWNING-FERRIS INDUSTRIES - RATE INCREASE

President Willner said he had a letter from Browning-Ferris Industries concerning the rate increase, as follows:

Dear Landfill Customer:

Throughout 1986 many changes have been made to insure that your waste was disposed of in an efficient and an environmentally safe manner.

Browning-Ferris Industries' goal is to stay in compliance with the ever changing operational standards and regulations. The operation of a sanitary landfill continues to have rising costs. Some of these costs can be visually seen, such as proper drainage, intermediate cover, final cover, grading, seeding, etc. Many cannot be seen, such as cost of analysis for air monitoring, water monitoring, methane monitoring, and sky-rocketing environmental liability insurance.

In order to continue to provide the community with an approved environmentally accepted sanitary landfill, all of the users of the landfill, solid waste haulers and generators need to share this increased cost. At this time we see the need to increase the basic charge by \$1.00 per ton effective January 1, 1987.

Enclosed with this letter is our new disposal information and price schedule.

Should you have any questions regarding this adjustment, please contact me at any time.

Harold Post
District Manager

President Willner requested that Margie Meeks make photocopies of Browning-Ferris' letter and forward to the County Highway Department, Vanderburgh Auditorium and Burdette Park.

RE: LETTER TO EMPLOYEES RE COBRA

The meeting proceeded with President Willner reading the following letter concerning the Consolidated Omnibus Reconciliation Act (COBRA):

To All Employees:

This is to inform you of the major feature of a new federal law, the Consolidated Omnibus Reconciliation Act (COBRA),

which provides for the continuance of group health benefits after the normal expiration date for employees and qualified beneficiaries.

This law, which is effective January 1, 1987, provides for these extension periods and the qualifying events:

<u>Qualifying Event</u>	<u>Length of Extension Period</u>
Death of an employee	36 months
Divorce or legal separation of enrolled dependents from the employee	36 months
Employee becomes eligible for Medicare coverage	36 months
Dependent child's coverage ends under terms of the contract	36 months
Termination of the employee (except for gross misconduct)	18 months
Reduction of the employee's hours worked	18 months

This extension of the current group health benefits includes all employees and beneficiaries enrolled as of December 31, 1986.

This continuation of coverage will end when enrollees accept other employment, are remarried, become eligible for Medicare benefits or do not make timely payments.

Applications for this coverage are available in the Auditor's office. These applications must be completed within 60 days after the last normal day of coverage. Monthly payments will be made to the Auditor's Office. Payment must be received on or before the 15th day of the previous month.

If you have any questions regarding benefits, contact DoLores Gugin in the Auditor's Office, Phone Number 426-5826.

It was noted that this letter will go out with the next payroll checks.

The Chair entertained motion for approval of subject letter. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATES OF INSURANCE

Board of Trustees of Welborn (Christmas Party December 13, 1986 at Vanderburgh Auditorium.)

Aiken Management Corp. ("Jesus Christ Superstar" production December 1, 1986 at Vanderburgh Auditorium.)

RE: SCHEDULED MEETINGS

Wed.	December 3	2:30 p.m.	County Council Mtg.
"	"	2:30 p.m.	Public Hearing/Council Ordinance
"	"	6:00 p.m.	Area Plan Commission

RE: CLAIMS

Kevin Winterheimer: Claim in the amount of \$165.00 re former Deputy Larry Weatherford matter. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Helfrich Insurance: Claim in the amount of \$5,433.00 for Public Official Bonds for Commissioners Willner, Borries and Cox; Councilmen Ahrens, Elliott, Hermann, Lutz, Owen, Taylor and Wortman; Treasurer Pat Tuley; Pigeon Assessor Dorsey; Deputy Treasurer Berry; Auditor Humphrey; Coroner Althaus; Deputy Coroner Woods and County Recorder Bob Steel; as well as Accident Insurance from 11/29/86 to 5/29/87 (\$3,125.00). Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. It was noted that this claim is to be paid January 1, 1987, and President Willner requested that Mrs. Meeks "stamp" these claims with the Commissioners' signatures.

Association of Indiana Counties: Claim for 1987 Annual Dues for Vanderburgh County in the amount of \$3,550.00. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. President Willner said the monies for this are in the 1987 budget, but if the Commissioners approve the claim it can begin the procedure process and be paid January 1, 1987.

Brink's Incorporated: Claim in the amount of \$320.00 for services rendered to the County Clerk and the County Treasurer for period of November 1986. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

Building Authority: Claim in the amount of \$629,428.59 for additional rental due December 31, 1986 and first six months of 1987). Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered. This is to be paid January 1, 1987. There was brief discussion as to whether this amount might change if additional space is located for the Welfare Department.

Building Authority: Claim in the amount of \$338,194.50 for Fixed Rental for first 6 months of 1987. This is to be paid January 1, 1987. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

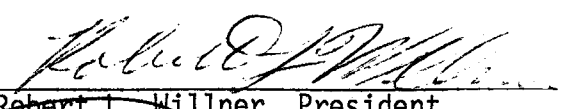
It was noted by Commissioner Willner that there are no employee changes to be read into the minutes today.

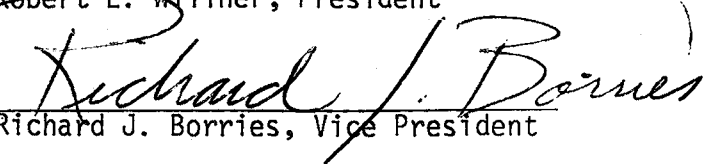
With regard to his recent Florida vacation, President Willner said the weather was beautiful; the last week he was there, of the seven days, during three days of that period Florida broke an all-time record for the best three days weather-wise in its entire existence. The golf courses were beautiful. It rained every night and they played every day. He understands that Executive Assistant Jim Lindenschmidt is currently in Florida and he hopes he enjoys the good luck weather-wise that he had.

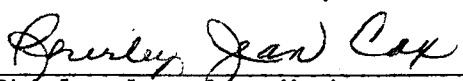
There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R L. Willner	Sam Humphrey	Curt John
	R. J. Borries	Chief Deputy	
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham
	<u>WELFARE</u>	<u>OTHER</u>	
	John Schroeder	News Media	

SECRETARY: Taped by JoAnn Utley
Transcribed by Joanne Matthews


Robert L. Willner, President


Richard J. Borries, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 8, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 8, 1986, in the Commissioners' Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of December 1, 1986.

Commissioner Cox moved that the minutes of December 1, 1986, be approved as engrossed by the County Auditor with one exception, and the reading of same be waived. It was noted by Mrs. Cox that on Page 14, it was Commissioner Willner who seconded the motion to accept streets in Tall Timbers Subdivision. With that correction incorporated, a second was provided by Commissioner Borries. So ordered.

RE: AUTHORIZATION FOR OPENING OF BIDS

The Chair entertained a motion that County Attorney Miller be instructed to open bids received on guard rails, calcium chloride and liquid asphalt. Motion to this effect was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

RE: HILLCREST-WASHINGTON CHILDREN'S HOME - JERRY DeLUCIA

President Willner said that Mr. Jerry DeLucia, Director of United Way is present to make report concerning recommendations re Hillcrest-Washington Children's Home.

Mr. DeLucia said he will preface some of the recommendations of the Task Force with remarks and then provide the Commissioners a written copy of his verbal presentation.

As many individuals who are present know, the Task Force asked for an additional week to finish the recommendations in final form. He will be able to provide the completed document, together with supporting information; such as statistical survey and licensing report soon. However, the recommendations are firm and the supporting information will be passed along to the Commissioners' office as soon as it is available -- which should be in a couple of days.

The recommendations are being submitted based on examination of the operation and administration of the home, the opinions and ideas of the one hundred six (106) individuals who participated in the survey regarding the home, licensing review reports from the City, County and State Departments for fire, health and safety and a Title 20 Peer Review. Nine of the 106 individuals who participated in the survey were children; six (6) live at the Hillcrest facility and three (3) live in foster homes. The ninety-seven (97) adult respondents were comprised of Hillcrest childcare workers, elected officials, private citizens, media, Hillcrest Advisory Board members and child placers. The child placers included staff from the Police Department Juvenile Court, Probation Officers, EPW caseworkers and a miscellaneous group comprised of physicians, hospital social workers, Evansville-Vanderburgh School Corporation employees, the staff of various social service agencies and former Hillcrest employees. Four (4) of the respondents were unfamiliar with the home and two (2) did not complete the survey.

Their Number 1 recommendation is that Hillcrest should remain open and it should be a county-operated, non-secure, residential child-caring facility.

Their second recommendations divided into two (2) options. Option Number 1 is their preferred recommendation:

It is recommended that the County Commissioners appoint an Interim Group of volunteers whose purpose would be to recommend to the County Commissioners a slate of Directors with complete authority to govern the Home. (If the Commissioners like, the United Way would be happy to assist in pulling that interim group together). The Board of Directors would be comprised of individuals who are representative of the various religious, business, professional, cultural and ethnic/racial groups in the county. These individuals should have a genuine concern for children and have the time and interest to participate as active board members. Further recommendations regarding the board are as follows:

- 1) The Board should be responsible for developing policies and programs, for evaluating services given and the continuing need for the services. Further, no member of the Board should be a paid trustee, active client, employee, or agent, or receive a fee for services rendered. The business or professional firm of the Board Member should not be included in any financial transaction of the agency.
- 2) Board members should not receive an honoraria.
- 3) The newly appointed Board of Directors should immediately appoint a Search Committee to begin the process of finding and hiring a permanent superintendent. The Board should develop policies regarding what type of child Hillcrest will serve; that is, age, the type of problems the child is struggling with (i.e., runaway, delinquent, emotional, personality make-up, sex, etc.). In considering this issue, the United Way Task Force recommends the Board of Directors consider that Hillcrest should offer an emergency shelter program in which children should be placed in emergency shelter care for no more than 45 days and that Hillcrest should offer a long-term residential program of not less than 45 days; that Hillcrest should carefully screen children and be sensitive to what types of children should be mixed, separated or grouped. The Board of Directors should delegate full administrative responsibility to the superintendent and take no direct responsibility for administering the programs or working with the individual children. The new superintendent should develop a plan which should lead to accreditation of the home by the Council on Accreditation of Services for Families and Children, Inc. within five (5)

One parenthetical thought: On the Board,-- they tried to find a model. He guesses the closest thing they could come up with is something similar to the Visitors & Convention Bureau, which is basically the type of board and staff structure that they have in mind.

The second option (and this came about as a result of the large interest picked up in their surveys) the Commissioners can contract with a public or private child-caring organization to manage and operate the home. If contracting with another group to operate Hillcrest is selected, it is recommended that the County Commissioners appoint an interim group composed of individuals who are knowledgeable of the child-caring industry and are not involved in county politics. This group; would draw

specifications, advertise the request for proposals, interview interested organizations, evaluate the proposals and select the provider for the Commissioners.

These are the recommendations of the Task Force. They have two sub-recommendations: One from the Facilities Committee and the other from their Finance Committee. He will deal with the Facilities Committee first.

They recommend that repairs must be made to the roofs of both homes. Washington's flat room area is estimated to cost \$7,900 and Hillcrest north and south wings are estimated to cost \$27,850. This work should be done as soon as possible to avoid further damage. A new heating plant must be installed at Hillcrest. Air conditioning should be considered at the same time. They have an estimate for \$55,000 (which he believes they received through the Department of Welfare).. The new plant will be more energy efficient, therefore, cutting some monthly expenditures.

Mr. DeLucia said he checked on the recommendation. He wasn't quite sure exactly what they had in mind. First of all, if we're going to do this, he thinks it should be re-bid. The bid they received is simply handwritten notes on a piece of paper and they are not quite sure just what they would do for that \$55,000. As he reviewed the minutes, it is quite clear that the boiler is fine. No one knows how long that boiler will last. It is an old boiler and an old system. The pipes leak and break down all the time.

If we don't want to get into replacing the total system, as a minimum we'd have to replace the pipe. But this doesn't help with the air conditioning; and some of the reports indicate that those people inspecting the facility complained that there is a fan in the kitchen. The reason the fan is in the kitchen, is that due to the lack of the air conditioning system, they would probably be cited for violations.

The driveway repairs must be undertaken immediately. The area is undermined and constantly washing away. The cost is estimated by the County Engineer to be \$3,500.00. They also recommend a maintenance Reserve Fund or Capital Improvement Fund be established and become an integral part of the annual budget. This should be at least 2% of the total annual budget.

They also believe that a full time maintenance person should be employed; and this person should be experienced in electrical and plumbing repairs.

Turning to the financial report, Mr. DeLucia said that while these repairs are not in the Hillcrest-Washington budget as passed by the County Council, it is their understanding that local option funds are anticipated to be made available.

They believe the size of the Hillcrest budget is adequate. However, the distribution among line items is unrealistic. In the past, the approved budget has not been fully utilized.

In the past, the unspent funds have reverted to the County Welfare Fund. In 1987, unused funds will revert to the County General Fund. They are hoping that someone would be able to adjust the line items; leave the budget alone, but adjust line items -- so you are able to adjust certain salaried positions, etc. (The superintendent's, the treatment director or assistant supervisor, whatever that second position is called; the caseworkers' salaries are unbelievably low. The recreation activities director should be paid a little more than he/she is getting. They think they'd probably strike the line item for Board Members. They do not believe that Board Members should be paid for participating on the Board. These adjustments could be offset by line items that have been under utilized in the past and a suggestion might be overtime. They recognize that because

of the way the process works, we have to set up a budget for full occupancy and a lot of items are presented in that fashion because we really don't have any other choice. And, they couldn't find any better way to go. However, they think they should be adjusted.

However we do this, we are going to have to appropriate approximately \$1,000 to address the capital improvements needed at Hillcrest. None of these expenditures are reflected in the approved operating budget for 1987. In their opinion, the superintendent should not be required to live on the premises. However, one qualified staff person should be designated to be responsible at all times when the superintendent is not present.

We should be aware that there is a separate recreation account of approximately \$23,000. It is composed of voluntary contributions and is solely maintained under the direction of the superintendent. Although there were no alleged improprieties, it is recommended that a report of the income and expenditure from this fund be made at a regular interval and that two signatures should be required on disbursements.

The Department of Public Welfare will be responsible for the transference of records. Their plan is to provide a smooth transition.

The idea of forming a Foundation or a not-for-profit corporation to encourage contributions should be pursued. This Foundation could then serve as a repository for wills and bequests that may become available.

They think that Vanderburgh County should encourage Hillcrest to be the type of facility which is able to have the confidence of child placing personnel, so that more children will be placed there.

Generally speaking, within some limits, the more children placed at Hillcrest (and especially those from other counties) the less likely it will be that Hillcrest will operate at a deficit. Lack of child placements is a definite concern.

In studying Hillcrest, it does not seem that this program of providing residential care for children has been a well-planned approach. The home seems to be an enigma that has attempted to be everything to everybody. In order to assure that Hillcrest continues to exist, it is imperative that the home not be involved in county politics. The home must have a volunteer Board of Directors given authority to govern the home free of political influence. It is believed that by initiating these recommendations, the newly appointed Board of Directors shall be well on its way to creating a home the County can be proud of as it fulfills its duty to protect and care for those children unable to live in their own homes.

Mr. DeLucia said he would be glad to answer any questions.

Commissioner Willner said he believes the Commissioners need to study the report in its written form before they ask a lot of questions. But if there are initial questions, they should feel free to ask them. If not, he wants to thank the United Way and thank Mr. DeLucia, personally, for the job they have done for the Commissioners. He knows it hasn't always been easy and it won't be easy for the Commissioners. But he believes they do owe the task Force a debt.

The Chair then recognized Judge Robert Lensing .

Judge Lensing said he didn't come prepared to make any presentation. He went over the matter with Mr. DeLucia and the Board. He is an ex-officio member of that board and sat in on all of their hearings, except for a short period of time while he was in the hospital. They did a tremendous amount of work and

they looked at it very carefully. Judge Lensing said we're very interested in maintaining the status quo (at least for the time being) and then, hopefully, with the Board improving the facility, it can be something more than it has been in the past.

President Willner expressed appreciation to Judge Lensing for serving on the Board.

Commissioner Willner said it is his understanding that Mr. DeLucia will let the Commissioners know when the report is finished and then perhaps they will have an opportunity to counsel with him again

Commissioner Borries said he wanted to again express his personal appreciation, because he has always been impressed with what Mr. DeLucia does and the objective way he looks at things and hopes that, as once pointed out by Mr. DeLucia in hearing that was held, maybe from looking at this operation from a new set of eyes we can really offer the best of what we need to do. Otherwise, he thinks we're just spinning our wheels. Again, he appreciates what Mr. DeLucia has done. He also asks that Mr. DeLucia express his personal thanks to the entire committee. At this point, he would also want to say that he hopes the committee might consider assisting the Commissioners during the interim period in whatever options might be available.

RE: WELFARE DEPARTMENT - JOHN SCHROEDER

Commissioner Willner noted that John Schroeder is present today to culminate the search for new space in the Administration Building. Commissioner Willner said he asked the Commissioners last week to at least satisfy themselves that there was no extra room -- at least within a range of 5,000 ft. for the Welfare Department. He has done an eyeball survey and knows of no available space. He asked if Commissioner Borries has comments?

Commissioner Borries said he doesn't have anything to report either, other than to call Attorney Miller's office to ask for some guidance in relation as to whether he has had a chance to talk to Wes Bowers regarding the charter. He asked if Attorney Miller has anything to report?

Attorney Miller said it is his understanding from his conversation with Mr. Bowers that the Vanderburgh County Building Authority is only empowered to - and will only deal with -- the County, the City and the School Corporation as potential lessees. It is, therefore, at the discretion of those three governmental entities to find, if they can, space that they can spare to sub-lease or provide for the Welfare Department. Inasmuch as the Commissioners cannot find any space among the available county space, it appears to him that this just leaves three alternatives: 1) The Welfare Department might look to the City to determine whether they have any available space; 2) Look to the School Corporation; (3) If not, go outside. It is, of course, not a happy situation, but it is almost inevitable that as the need for employees expands in the Welfare Department, they are going to have to find space elsewhere, because from a legal standpoint the County is stuck. They cannot convince the Building Authority to deal directly with the Welfare Department. This was the purpose of his discussion with Mr. Bowers, to see if that was a reasonable alternative -- and it does not seem to be. So this is where things stand.

Commissioner Willner said that if Welfare didn't decide to move from this building, this would be somewhat of a shock to the county and they would need to allocate that space. He has talked to the lessee (Pigeon Township Trustee) and she has some long range plans to maybe provide shelter for her indigent people at some time and maybe look outside this building, too. At this particular time she does not have a place in mind and is not planning on moving. So there is just no place we can go. He asked Mrs. Cox for her comments.

Commissioner Cox said that in the minutes it was indicated that we would put the fact in writing that there is no available space here in this building. Does Mr. Schroeder need that documentation for the State?

Mr. Schroeder said this would be helpful -- and Commissioner Willner said this documentation will be prepared.

Mr. Schroeder said having considered several alternatives that might come up, he has prepared the necessary State forms and obtained the information necessary to have the Commissioners complete the leasing of Welfare's current space, since their budget still comes through the county to the end of the year and they must make arrangements for the State to lease from the county their current place after the first of the year. He said he'd tried to cover as many alternatives as he thought might come up and he has a proposal based on the fact that theoretically they would be seeking places around the community and they would be submitting proposals for leasing space. Since Welfare is currently occupying space here, he still has to ask the Commissioners to fill out the proposal for leasing space. He went to the Building Authority to get the proper diagrams that the State Department of Administration wants and he has those drawn up. This is set up according to the square footage the Building Authority provided and according to the cost Jim Lindenschmidt gave him insofar as next year's cost and indicating any of the types of services currently included in the occupancy of the building. Since this is not in fact (and they're supposed to have a lease out of Indianapolis and signed before they stay) he would ask if the Commissioners would sign the proposal so he can send same to Indianapolis and have them prepare the necessary papers for the Commissioners.

Commissioner Willner said the Commissioners will sign the proposal. (Mr. Schroeder said since the proposal only calls for one signature, the signature of the President of the Commission will suffice.)

Mr. Schroeder said Welfare will be investigating the suggestions made by the County Attorney and comments by the Commissioners with regard to space.

RE: READING OF BIDS

Attorney Miller gave a report on bids received, as follows:

Calcium Chloride: There were two (2) bids received:

P.B.&S Chemical Co. of Henderson, KY: Bid provides for 40,000 gallons of liquid calcium chloride solution delivered in 4,000 gallon minimums. Unit price is 40.5 cents per gallon. Total price \$16,200. 8,000 gallons of 35% solution at 41-1/2 cents per gallon or total of \$3,320. 8,000 gallons of 38% solution at 44 cents per gallon or a total of \$3,520. The prices are f.o.b. The City Garage. Prices are firm throughout 1987, terms of Net 30 days. The bidder states that if a Performance Bond is requested, the cost of the Performance Bond will be \$67.00 for the year.

Orbie of Illiana, Inc. of Crawfordsville, IN: 40,000 gallons of 32% solution at 45-1/2 cents per gallon for a total of \$18,200. 8,000 gallons of 35% solution at 48 cents per gallon for a total of \$3,840. 8,000 gallons of 38% solution at 50 cents per gallon for a total of \$4,000. Both bids are accompanied by executed bid bonds and are properly executed and in order.

Guard Rails:

M&W Pipe & Concrete Supply (Evansville): Bid bond is in order. All prices are unit prices firm through 1987, no minimum purchase required; delivery in 14 days. Ten (10) gauge 12 ft. 6 inch straight length - \$5.99 per lineal foot.

10 gauge 12 ft. 6 inch shock-curved \$7.98 per lineal foot. Twelve (12) gauge 12-1/2 ft. straight lengths - \$4.32 per l.f. Twelve (12) gauge 12-1/2 ft. shock curve - \$6.65 per l.f. A bumper type terminal end section is \$25.50. Flared type terminal end section is \$22.55. Transition end section with a rod is \$48.00. 4" x 6" post, which is 5 ft. 9 in. long, would be \$26.40. A 6" x 6" post, which is 6' 3" long would be \$49.30. A 4" x 6" offset bracket will be \$7.60. A 6" x 6" offset bracket will be \$13.60. A "C" splice plate will be \$35.00. Bid is in order.

James H Drew Corp. (Indianapolis, IN): Bid is accompanied by correct bid bond and is in order. Ten (120) gauge guard rail straight 12' 6" is \$5.40. Ten (10) gauge 12' x 6" shock curve is \$6.55. A twelve (12) gauge 12' x 6" straight length is \$4.55. A twelve (12) gauge 12' 6" shock curve is \$5.70 per l.f. Standard end wings \$27.53 each. Transition end section with a 1" x 6 diameter rod is \$21.61. The terminal end section with a flare (curved terminal end) is \$20.00. Posts 4" x 6" x 5' 9" or 6' - \$36.40. A 6" x 6" x 6' 3" galvanized (with all hardware) is \$59.20. Offset brackets which are 4" x 6" will cost \$8.10 each. Offset brackets which are 6" x 6" will cost \$11.50 and a "C" splice plate will cost \$28.50.

Liquid Asphalt:

There was only one bid on liquid asphalt; J. H. Rudolph & Co. They propose to furnish liquid asphalt AE-150 at unit prices below:

Loads of 5,000 gal. minimum to 10,000 gal. maximum
58-1/2 cents per gallon.

Tank wagon loads of 1,000 gallon minimum, to 4,999
gallon maximum 79 cent per gallon.

Less than a one thousand (1,000) gallon order - 90 cent
per gallon.

A storage tank will be provided at the County Highway
Garage by J H. Rudolph free of charge. A price
adjustment clause in the specifications is
acknowledged. (Attorney Miller said he guesses that
relates to the Performance Bond adjustment.) Bid bond
is in order and the bid is properly signed.

The Chair entertained a motion to take all bids under advisement and ask respective departments to go over the unit prices and make a recommendation to the Commissioners next week.

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

RE: PROBLEM RE BIDDING ON ASPHALTIC CONCRETE FOR 1987

President Willner said that Mr. Jerry David is present today to discuss problem with bidding on hot asphaltic concrete for 1987. The Chair then recognized Mr. David.

Mr. David said he has a problem with the Bid Bond and the Performance Bond. He would have a difficult time obtaining a Performance Bond for the amount of money that the products are going to cost. He has no problem with the Bid Bond. But the bonding company will not give him a Performance Bond when he has to get price up to close to \$750,000 to \$1 million. It is his understanding that a Performance Bond has not been requested in the last six years or a comparable time period. But the specs say that it is optional. If the County Commissioners would request a Performance Bond, then he would have to produce one. The problem is, if he puts up a \$30,000 bid bond and he is low bidder, and then the Commissioners request that he put up a Performance Bond, and the bonding company would not issue a Performance Bond, then he is out \$30,000. This is his problem. He can save the county many thousands of dollars; but he cannot get a definite answer on the Performance Bond.

Attorney Donald Wright, who accompanied Mr. David, stated that what his client is asking the Commissioners to consider is that, inasmuch as the Commissioners have geographical acceptance (this is a City-County bid) and they apparently do have the authority to waive the Performance Bond after the bids are accepted, they are asking that the Commissioners at this time consider waiving the fact that if his client's bid is accepted, will the Performance Bond, in fact, be waived? From what his client tells him, he has serious doubts as to whether he can obtain bonding authority to be able to guarantee this Board that if he bids it, and the Commissioners do elect to need the Performance Bond, he may not be able to provide same. This means that he cannot take the chance to bid if he knows the chance of the bond is laying out there.

Attorney Miller said, "I don't understand; if you put it in your price as the optional price and you let the county know that if they require a bid bond this is what it is going to cost, then this is the additional amount that the county will have to pay for the materials."

Attorney Wright said Mr. David's bonding company has indicated to him that they charge "X" dollars fee and if he were to request a bond for that figure, they would not honor that request. He would have to shop elsewhere for a bond, which means he has to go from his regular bonding company to another and shop it. Even if he does that, the price he is going to have to include in the base even without the bond has to go up.

Attorney Miller asked, "You can't quote a price because you cannot get a bond, is that right?"

Attorney Wright said, "At this time, he cannot."

Commissioner Cox asked for some clarification. She said Messrs. Wright and David are talking not of the bid bond; they are able to obtain the bid bond, is that correct? Mr. Wright confirmed that this is correct. They are speaking of the Performance Bond.

Commissioner Cox asked, "You're bidding on materials only?"

Mr. David confirmed that this is correct. In response to query from Commissioner Cox, Mr. David confirmed that this is a bid price F.O.B. factory per ton for the material only, it does not include labor, surfacing, etc.

Commissioner Cox asked, "Why do we need Performance Bond for materials?"

Commissioner Willner said, "If we were to buy a bad product and lay it on our roads, we'd have nothing to recoup unless there would be a lawsuit, whereas we could say, 'next load we get, we want a performance bond' -- that the product is good and will do what everybody says it should. Then if it doesn't, we could come back on the bonding company and recoup those dollars."

Attorney Miller said the Performance Bond is to bond the contractor to assure that any failure of the contractor to meet his contract obligations will be supported by a bond that will protect the county. The county wouldn't be testing the product, the contractor would be testing the product; and, tests can be screwed up just like mixing can be screwed up. He doesn't mean to imply that he is questioning the contractor's work, to the contrary, he is personally familiar with how good Mr. David's work is. But on an overall basis looking at it from the government's viewpoint, in this kind of a long term contract he doesn't see that it is out of the ordinary to keep the possibility of a performance bond in the requirements. It is something the county has done for years. He only knows of one instance where a Performance Bond has been required on materials and that was by the City, not the County. In response to query from Commissioner Cox concerning the identity of the specific

instance, Attorney Miller said he doesn't know -- other than the fact that it was mentioned by John Vezozzo just fifteen or twenty minutes prior to today's meeting.

Commissioner Cox said, That wasn't on materials; that was on the group that layed the pavement down.

Mr. David pointed out again that while the potential for requiring Performance Bond is in the specs, it has never been imposed on a contractor during the last six years or so.

Attorney Miller said, "But the requirement of including the possibility of that in your bid has been required for years."

Attorney Wright said he is present to ascertain if they can obtain a waiver in advance.

Commissioner Willner said he met with Mr. David and talked with the attorneys. Personally, he would encourage his bid. But, upon the advice of Attorney David Miller, he thins we have to get back to the fundamental thing as to why the Performance Bond is in the specs. It is not to penalize Mr. David or any person -- and it is strictly an option. Again, he would encourage him to bid and perhaps look at what Attorney Miller has asked him for in terms of an alternate bid.

Attorney Miller said he now understands Mr. David's problem better than he did during pre-meeting conversation. He is having difficulty getting a solid cost from a potential bonding company. Is that correct?

Mr. David said, "From our present bonding company. We might have to shift bonding companies.

Commissioner Cox interjected, "As I understand it, their bonding company will not give a performance bond. It's not the price -- it's"

Mr. David interjected, "That's right; if we put the bid bond out and we are low bidder and then the Commissioners request a Performance Bond, -- say the bid bond was \$30,000 and they cannot provide a Performance Bond -- then he would lose the \$30,000 bid bond.

Attorney Miller said, "I understand that; but there are a lot of companies out there who want to sell Performance Bonds.

Commissioner Borries asked, "Attorney Miller, there are other companies who bid who do have a Performance Bond?"

Attorney Miller said, "Well, there are many, many companies who sell Performance Bonds to the construction industry."

Commissioner Borries said "I asked whether or not other bidders have this bond, even though we haven't asked for it?"

Commissioner Willner mentioned J H Rudolph and Rogers Bros. Do they have a Performance Bond?"

Attorney Miller said the bid they submitted today indicates that there is no change in their price if we call them in to provide a Performance Bond. There were two other bids today on guard rail and calcium chloride; both of them said for the cost of Performance Bond it would be \$67.00. However, Mr. David is facing a more difficult situation. The cost of a performance bond in his type of work may be much higher; I don't know, as I haven't shopped those numbers.

Commissioner Willner asked if County Engineer Andy Easley has any input?

Mr. Easley said he agrees with what the Commissioners have said; that they should be in a position that if we want to ask for a Performance Bond -- with county forces this past summer we laid 25 miles. If something were to happen to part of that mix, there is a lot of money here at stake. We laid probably \$400,000 worth of asphalt. He doesn't know whether Mr. David can say whether anybody questioned the specs insofar as asphalt content is concerned on that which he sold this past summer?

Mr. David said that a representative of the State Highway Department came down and checked their scales, etc.

Commissioner Cox addressed Mr. Easley and asked, "When do you know whether the asphalt is good or bad?"

Mr. Easley said they do not ask for daily test results. It could be weeks later.

Mrs. Cox asked, "You mean this is something you can't detect when they apply it? "

Mr. Easley responded, "Not really."

Commissioner Willner said he will attempt to clarify this. When the State does a Federally-funded State job, they have a full time inspector who does nothing but inspect every load of asphalt before it is put down. Many times he's seen trucks come back that the State inspector turned down. Sometimes the companies put the product on their own driveways or whatever. But that does happen. It doesn't happen in the county because we do not have a full time inspector. If we ever got a bad job, the only thing we could ever do for the next load would be to say that we want the Performance Bond. If we don't have that, I don't what else we could do; maybe sue the company. If they didn't have assets, it would be one of those things. Therefore, I see no problem with what Attorney Miller has suggested, that Mr. David bid both ways. Bid one without Performance Bond and one with Performance Bond.

Attorney Miller again said, "In fact, that occurred today."

Attorney Wright again said, "The Board may not get a bid from Mr. David because of his inability to obtain a Performance Bond. They're asking consideration in advance concerning a waiver."

Commissioner Willner said, "We're always looking for asphalt bidders, that's for sure. And I would hope that this potential would not preclude Mr. David from bidding. However, in all fairness to everybody, he doesn't know how the Board could waive the requirement concerning Performance Bond in advance."

Commissioner Borries said, "If we had no person coming forth with a Performance Bond, then I think we'd have an obvious problem. There are companies at this point who are doing this and that is why he thinks in a reasonable situation we're hoping that Mr. David can bid and will do so with this alternative that really sets out his best price."

After further brief discussion, Attorney Miller said Mr. David can probably be protected via a supplementary letter to the bid.

Attorney Wright said there is a provision under specs to bidders (No. 12) that says "No alternates permitted unless called for in the bid proposal". Thus, they will have to be very careful how they go down through their forms. But it may be difficult -- if not impossible -- to bid.

Commissioner Cox said this is something the Commissioners need to look at, too. At the last meeting they talked about approving streets that were laid down last month. We have no assurance that the asphalt in those streets is going to be good; no one was there when it was delivered; no one has measured the thickness or

what is underneath them. We've inspected them. So, we need to look at several of our things we're going here. She really feels the Commissioners need to do this.

Attorney Wright said they really appreciate the Commissioners' consideration.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN PLANTATION ESTATES SUB

Commissioner Willner asked if anyone was present to address the request for waiver of sidewalks in Plantation Estates Subdivision?

Mrs. Barbara Cunningham, Director of Area Plan, said she has the plans. Sidewalks were not included in the cost estimate when it was submitted. Thus, she assumed someone was going to appear to request the waiver.

Commissioner Willner asked if there are rolled curbs and gutters?

Mrs. Cunningham verified that this is correct.

Commissioner Willner asked, "But they are not asking that they be waived?"

Mrs. Cunningham said that is correct.

Commissioner Borries asked if the subdivision is located more than one mile from the City Limits?

Mrs. Cunningham verified that this is correct. It is adjacent to his Bentwood Subdivision.

Commissioner Cox asked, "Do you think this is another point where there was confusion over what was needed to be waived and what wasn't needed to be waived?"

Mrs. Cunningham responded, "They can't be waived unless they come before the Commissioners. So this is probably what they have asked to do. Mr. Morley must have asked that this come before the Commissioners (request with regard to waiver of sidewalks). She hasn't seen the request letter; she just noted the item on the Commissioners' agenda.

Mr. Easley said there was a letter; he received a copy. Mr. Morley requested a waiver of sidewalks.

Commissioner Willner said the Board has seen this before on the Drainage Plan. There are no thru streets and sidewalks are not needed. A motion was entertained.

Commissioner Borries moved that the request for waiver of sidewalks in Plantation Estates Subdivision be approved, with a second from Commissioner Cox. So ordered.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

Mr. Kim Bitz said he had the following letter concerning selection of Consultant for Auditorium Study:

To: Vanderburgh County Commissioners

Re: Selection of Consultant for Auditorium Study

Dear Commissioners,

I have sent to your office all of the proposal responses that we received in regards to the selection of a consultant for our facility. The Advisory Board has met and discussed the qualifications and prior projects of each firm. They have recommended that the County hire the firm of Knapp, Given, Veazey, and Shoulders, a local firm, for the following reasons:

- 1) The two local firms were just as qualified as any of the non-local firms.
- 2) The two local firms would also work in conjunction with firms that specialize in various areas that we are interested in.
- 3) Of the two local firms, Knapp, Given, Veazey and Shoulders would also be utilizing the Biagi firm and the Rhodes firm. Both of these firms have done large projects with our facility within the past five years.
- 4) The K.G.V.S. firm is currently involved with the renovation of U. of E.'s Shanklin Theatre whose lighting system is identical to Vanderburgh's. They are also the firm that has designed the new Auditorium in Madisonville, KY, one that has received much praise with artistic groups who will use the new facility.

Commissioner Cox asked Mr. Bitz if the proposals were reviewed for form? At the last meeting, the Commissioners did nothing with the proposals except to give them to Mr. Bitz. Have they been reviewed as to proper legal form by the County Attorney? Mr. Bitz responded that they didn't have an exact legal form set up for this, because the fee was set at \$2,500 and the project description was the same. The only thing they requested from these companies were the qualifications on their personnel and a list or description of their previous projects that might reflect the project on which we're working.

Mrs. Cox asked if they have an overhead rate? Mr. Bitz said, "None."

Mr. Bitz said, "All they're willing to do for \$2,500, which is cheap for a consultant."

"The Chair entertained a motion.

Motion was made by Commissioner Borries that the proposal from Knapp, Given, Veazey and Shoulders be accepted, upon the recommendation of the Auditorium Advisory Board, with a second from Commissioner Cox. So ordered.

RE: EASEMENT FOR ROAD RIGHT-OF-WAY

Mr. Easley submitted an Easement for Road Right-of-Way in Greenbriar Hills Subdivision Section II from Greenbriar Realty Company to Vanderburgh County.-- for 25 ft. of their property for a future road. The Commissioners signed said Easement. Mr. Easley said the road has been paved.

RE: COUNTY ATTORNEY

Transient Merchants License: County Attorney David Miller said that over the past year there have been many instances when he has had calls from the Auditor's Office, principally Mrs. Matthews, with questions about the Transient Merchant's Ordinance and how to administer that. It seemed that every time there was an application for a Transient Merchant's License there was a different problem or a different question arose. For instance, we had significant discussions late this year regarding how to handle the folks that have the booths at the various shopping malls and whether or not they qualify as Transient Merchants; etc. It was a difficult area to administer by the Auditor's Office, because there was so little guidance in the State Statute. Happily there is an amendment to the State Statute which becomes effective January 1 of this year. Taking that statute into consideration together with the few cases in Indiana (there were five decisions in Indiana that dealt in some way or another with Transient Merchants, the most recent of which is a 1933 case). He has prepared a memo of which he has copies for the Commissioners edification and he has submitted the original

of the memo to Mrs. McBride and to her incoming successor (Sam Humphrey) for use in the administration of the Transient Merchant's Statute. As can be seen, the amendment has a number of exceptions which now seem to cover most of the problem areas that we were running into. One of the key items that is to be looked for is whether or not the merchant who is possibly transient has a Retail Sales Permit, which is the method by which the sales taxes are policed.

Commissioner Borries asked, "So this means the guy who is selling potatoes on Green River Rd. ought to have some kind of Transient Merchant Certificate, right?"

Mrs. Matthews interjected, "Not if he grew them."

Commissioner Borries said, "He can sell his potatoes then if he grew them?"

Attorney Miller said, "If he grew them; but how is he going to prove he grew them? Who certifies he grew them? It's a difficult little nuisance for the Auditor's Office and we may get to the point to requiring that person to sign an affidavit or something of that sort to prove that he fits into one of those exceptions. Then we can at least expose him to perjury which may or may not be effective.

Mrs. Matthews asked, "The new statute states that they are exempt if they they hold a Registered or Temporary Retail Merchant's Certificate". Under the old statute, they could either present the Certificate or proof that they had applied for same (furnishing the Auditor's office with copy of application, receipt for fee paid, and registered mail receipt which had been mailed ten days prior to making application). Is that still applicable? I do not see any reference to this in the new statute."

Attorney Miller said he sees nothing in the statute that references that.

Mrs. Matthews asked, "If they do not already have the Certificate, forget it?"

Attorney Miller said, "Let's deal with that when we get to it."

Chief Deputy Auditor Humphrey asked, "Under the statute, who enforces this?"

Attorney Miller responded, "The County Auditor is the first enforcement line, because that is where the license is issued."

Mr. Humphrey said, "We're not enforcers."

Attorney Miller said, "Well, you are not enforcers; but you are the first line of defense in seeing to it that the statute is enforced, because you administer it. Then, if there is a violation, I believe the prosecution of the violation is in the hands of the County Prosecutor. The question arose in the context of the County Attorney's job, because your office, as the potential issuer of the permits, had to have some legal advice as to whether or not the document should be issued. Your point of reference was the County Attorney and that is how we got involved. We would not prosecute a violation."

Commissioner Cox said, "I think what Sam's question is -- perhaps I don't understand -- but whose responsibility is it to go out and check the streets for these transient merchants? The City Police and the County Police?"

One of the Commissioners mentioned Loretta Townsend of Weights and Measures.

Attorney Miller remarked that she checks their scales; but not all of them have scales. He would say the City and County Police have the primary obligation.

Mrs. Cox said, "If they are stopped and they produce a Transient Merchant's Certificate from the Auditor's office, then they are clear?"

Attorney Miller said, "Yes; the way it usually arises is that a competitive merchant drives by and says, 'hey, that is going to hurt my business; I wonder if these guys are properly licensed', and he calls the police and they go out at his request and check. That is how it comes down."

Mr. Humphrey said they have called two or three merchants who obviously had competing goods; one was an individual selling Hartz, Schaefer & Marx and Hickey Freeman suits. And neither seemed concerned about it. That doesn't seem to me to be the thrust of this law at all. It directs itself to the guy who makes a statement in here who is obviously a shady character. What we're trying to protect, it seems to me, is the guy who buys that goods. Where is his recourse? And that is the purpose of the bond, it seems to me, not to protect the merchants.

Attorney Miller said the purpose of the bond is to protect the consumers. Originally it was to protect the State of Indiana from the failure to collect sales tax. That is really where it started. The bond is really collectible. He said he didn't mean to get into a long discussion, but it is a continuing problem for the Auditor's Office.

Hillcrest Home: On the action filed last Monday with respect to the Hillcrest Home in order to obtain a declaration of the respective rights and obligations of the parties involved in questioning who is going to do what after January 1. The chain of events since Monday has gone like this:

Along with the filing of the suit, we requested on the Board's behalf that the entire Vanderburgh Superior Court sitting as a group serve as the Court on this matter in order to remove political onus or pressure from any one particular judge.

The Superior Court in a meeting of the Judges (which he believes was held on Wednesday) declined to hear the case in bank and the case was assigned to Judge William Stephens. It was Attorney Miller's judgment that in view of the possible uneasy position that any local person would be put in as a result of having to rule on this question, we moved for Change of Venue from the Judge and asked Judge Stephens to name a panel of Judges from which a Judge will be selected. Hopefully, Judge Stephens will name a panel of Judges from outside the county in order to accomplish the purpose that he seeks to accomplish by this function. We should have that panel of Judges within the next few days. Tomorrow he is meeting with Mr. Russ Woodson, a local attorney, who has indicated to Attorney Miller by telephone that he will represent Mr. Haton in this matter. It is his hope that we can enter into agreements that will expedite this case and bring it to issue very quickly. He thinks the case presents a very straightforward legal question and there are really no facts of which he is aware that are in dispute. He thinks he can agree with Mr. Haton's attorney regarding all the events leading up to the filing of this declaratory judgment action. The only step left is for us to put the necessary documents and arguments to the Court to allow a decision to be made and he hopes this can be done before the end of the year. At this point, he sees no reason why it can't be done before the end of the year, other than the possibility of the new Judge being unavailable for whatever reason. But his intention is to move this as quickly as possible and see whether we can get a ruling. He will be meeting on this tomorrow.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of December 1 thru December 5, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Boonville-New Harmony Rd., Felstead, Rosser Drive.

Paved: Colonial Garden Rd.

Patch Crew: Pollack Ave., Kleitz Rd., Detroy Rd., Clifford Rd., Boonville-New Harmony Rd., Millersburg, Mt. Pleasant, Nisbet Station, Newburgh Rd. and Fuquay Rd.

Grader: Motz Rd., Motz Lane, Bixler Rd., Wallenmeyer, Montgomery, Mann, Folz Lane, Staub Lane, Myrtle Ave., Emge Rd., Buente Rd., Trapp Rd., Schmitt Rd., Marx Rd.

Tree Crew: Water Works Rd., River Rd., S. Weinbach, Green River Rd., Lynn Rd., Mill Rd., Outer St. Joseph Ave., Monr Rd. and Marx Rd.

Cut Bleeders: Old #460, Red Bank, Upper Mt. Vernon, Broadway, Schutte, Mesker Park Dr. and #6 School Rd.

Rock
Mail Box
Approach: Seven Hills Rd., St. Joe Rd., Hogue Rd., Mt. Pleasant Rd.

Tree Crew: Marx Rd.

Installed snow plows (not finished)

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly work Report for the Bridge Crew...report received and filed.

Installed guard rails on St. Joe Avenue
Repaired guard rails on Oak Hill and Millersburg Rds.
Installed drop box on Syls Drive
Repaired guard rail on Pollack Avenue & Wimberg
Worked with Trash Crew operating back-hoe.

Weekly Absentee Reports: Also submitted were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew for the same period.....reports received and filed.

Green River Rd. Bridge: Commissioner Willner asked Mr. Bethel if we're through with the painting of Green River Rd. Bridge?

Mr. Bethel responded that this project is finished.

Commissioner Willner asked Mr. Easley if he has looked at this?

Mr. Easley responded that he hasn't seen it for a couple of weeks. He hasn't seen it since they finished.

Commissioner Willner asked that Mr. Easley inspect the bridge and determine whether everything is in order.

Mr. Bethel said you can't get underneath it now; the water is up -- so there is no need to go out there.

Commissioner Willner asked if we need to notify the State that this project has been completed?

Mr. Easley said he can so inform them.

Commissioner Cox asked if other things weren't also needed?

Commissioner Willner asked if Mr. Easley would check out what else was to have been done and report back to the Commissioners? Mr. Easley agreed to do so.

RE: COUNTY ENGINEER - ANDY EASLEY

Contract w/John Mans, Inc./Clover Drive Project: Mr. Easley said he had submitted a copy of a contract with John Mans, Inc. on the culvert installation on Clover Drive. The contract was prepared on the computer in the Surveyor's Office, which is shared by the County Surveyor and the County Engineer. He also gave a copy to County Attorney David Miller for his perusal. The contract seems to have the standard phrases and, pending Attorney Miller's approval, Mr. Easley is asking that the Commissioners execute the contract.

Attorney Miller indicated the contract meets with his approval and a motion was entertained by the Chair.

Motion was made by Commissioner Borries that the contract with John Mans, Inc. for the portion of Clover Drive Project known as VC-1186-CD in the amount of \$13,858.00 be approved, with a second from Commissioner Cox. So ordered.

President Willner declared the Commissioners Meeting temporarily recessed at 4:00 p.m. for purpose of calling a Drainage Board Meeting, so that the Commissioners, as the Drainage Board, could approve the other portion of the Clover Drive Project known as VC-1186-SD in the amount of \$7,450.00.

The Commissioners Meeting reconvened at 4:05 p.m., with President Willner requesting that Mr. Easley finish his report to the Board.

Mr. Easley said he has a couple of claims to Morley & Associates concerning Burkhardt Rd.

President Willner said that prior to presentation of subject claims, he'd like to discuss Burkhardt Rd. Is it correct now that the State has inspected Burkhardt Rd and that they have passed it and it is now the property of Vanderburgh County Commissioners and they may do what they choose?

Mr. Easley reported that we received a notice that the six (6) months period is up and it is now our project.

Commissioner Willner said that Commissioner Borries has been getting telephone calls about Burkhardt Rd. He hasn't, because it is not in his district. Commissioner Cox can speak for herself. Nonetheless, Commissioner Borries has received several calls and is anxious to reaffirm our position, both for easing his own mind and that of anyone who is calling as to whether or not guard rails are needed.

As stated by Mr. Easley, the Federal Government in putting their money into Burkhardt Rd. did not require guard rails in the roadway where there are none.

Mr. Easley stated, "But at least one half to one third of the total number of feet have been guard railed. So there are some sections where guard rail was deleted because it did not fit the safety criteria that guard rail must meet to be acceptable to be funded in a Federal participation project. That was the ditch dip and the slope of the ditch.

Commissioner Willner said now that their time period is over and it now reverts back to the County, he thinks that he and Mr. Borries (and he is sure Commissioner Cox, as well) would want to

do what is best for the motoring traffic along Burkhardt Rd. whether or not we have to spend a few dollars for guard rail. He asked that Commissioner Borries relay what people have been saying during the recent telephone conversations concerning Burkhardt Rd.

Commissioner Borries said he has received several calls. One was from a teacher at Plaza School who expressed a lot of concern re the southern portion of Burkhardt Rd. on the eastern side south of Division Street. He knows that, as accurately pointed out by Mr. Easley, there have been some specs that say the slope of the ditch, etc., at the time the Federal participation was involved did not warrant that. But he'd like the Board of Commissioners to take a second look at that because of winter travel of busses, etc., and the ice; they are concerned about this portion of the road; although it is wider, there is still concern about the guard rail on the eastern side of that ditch.

President Willner asked if Mr. Easley would want some help?

Mr. Easley responded that he thinks he'll prepare a strip map and repeat the criteria and he thinks we should have the field men go out and look at it and compare it to that road and any other road that has a similar....

Commissioner Willner asked that Mr. Easley do this as quickly as possible so we can answer that question prior to onset of inclement weather.

Mr. Easley said he had a meeting with Mr. Werking at the Airport and he said the Red Bird (strobe light) is running today. He imagines they have had to have instrument landings all day because of the intense fog.

Claims/Morley & Associates/Burkhardt Rd.: Mr. Easley said he has two (2) claims to Morley & Associates in conjunction with Burkhardt Rd. project. They are still winding up paperwork for the State. One of the claims is for September in the amount of \$3,728.88 and the other is for the month of October in the amount of \$1,356.35. He noted that Morley & Associates is still under the maximum they can draw under this contract.

Motion to approve claims, as presented, was made by Commissioner Borries, with a second from Commissioner Cox. So ordered.

"B" Street Underpass: Mr. Easley said he has been reviewing the proposals from consultants re "B" Street Underpass for several weeks. At this time he is giving the Commissioners copies of a letter he received last Friday from CSX Corporation, as follows:

December 5, 1986

Board of Commissioners
Vanderburgh County, Indiana
Room 305 - Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

This letter will confirm that CSX Corporation has used the design and surveying services of Morley & Associates, Inc. for several years. They have done extensive work for us at the Howell Yards and are very familiar with our rail and utility facilities in that area.

We have been very satisfied with their work and their working relationship with our staff in Evansville and in Jacksonville, FL.

We believe that they are competent to perform design services on your "B" Street Underpass Project.

Sincerely,

L. C.. Love
Division Manager

Continuing, Mr. Easley said he is also submitting copies of an excerpt from the Engineering News Record magazine dated November 13th about one of the consultants who submitted a proposal (Hayes, Seay, Mattern & Mattern). This article says they were selected to design a \$200 million underwater crossing tube tunnel under the Elizabeth River between Portsmouth and Norfolk, VA, which he thinks is very commendable for the firm. In addition to the proposal from Hayes, Seay, Mattern & Mattern, we also received proposals from HNTB (Howard Needles, Tammen and Bergendorf) and Riley, Park, Hayden & Associates. He said he is trying to be very objective in reviewing the proposals. It would be his recommendation that the Commissioners negotiate with Hayes, Seay, Mattern & Mattern to design the "B" Street Underpass. He is impressed with what he knows about them. They have done several tunnels and a lot of railroad underpasses. If the Commissioners can find the expertise they need locally, fine; but he is afraid we do not have it. If they would so approve, he will write HSMM a letter and ask that they submit an engineering agreement contract.

Commissioner Willner said he feels that we have used them from the start and there is a little something to be said about their work in the past and their understanding of the project, etc., and he'd kind of like to see them finish the project.

Mr. Easley said he thinks they are very well qualified and that we were very fortunate to have selected them when they made the initial study. They made a couple of extra evaluations of some crossings in which Mrs. Cox was interested and he thinks they did a very, very fine job.

Commissioner Cox said, "Andy, you said they are familiar with the project. I'm not familiar with the project or what we are actually going to do down there. Is the next step now a hearing, with these people on what is going to happen? Just as you've had calls on Burkhardt Rd., I've gotten calls from people who live along "B" Street and they are very concerned. They want to know if they are going to lose their homes, or they're not going to lose their houses. They were told at one time that they probably would; another time they were told they wouldn't, that a large wall would be built and would be stair-stepped down so they could get to their cars, etc. And I think there is a lot of concern over just what this project is going to do to the area."

Commissioner Willner said, "What we're going to be doing is hiring this company to provide us with a set of plans; and this set of plans would have to be approved by this body. When they present their working drawings of proposed plans for "B" Street, then we would have a meeting of the minds (maybe before). But you have to get everything on paper and coordinate it before you can answer these questions.

Commissioner Cox asked if a public hearing will then be held?

Mr. Easley said he had some calls. He advised individuals that it would be an underpass; there will be retaining walls; and, as you get closer to the railroad tracks, the retaining walls will get higher. He said it is conceivable that some people may end up with steps. He also said there would be parallel parking only whereas now they are angle parking. It will probably create a problem for families with two cars, because some of those lots are not too wide. As for answering specific questions. Mr. Willner is correct. We might ask our consultant for a preliminary profile to get a rough idea of what the height of the retaining wall will be.

Commissioner Willner said he thinks that what Commissioner Cox is asking is that somewhere along the line we have to make up our minds whether we should buy this person's house; are we putting too much of a strain on it? Should we just give him some damages? He believes this needs to be addressed. But we have to have all the topographical information.

Mr. Easley said we have to have a complete set of plans or be at least 25% through the plans to be able to answer the questions. If we're going to build it, we need to retain a consultant and the first step would be to ask them to submit an engineering agreement. In response to Mrs. Cox's query as to whether we have a design at this time, Mr. Easley said we do not. We have proposals from interested consultants which he evaluated.

Motion was made by Commissioner Borries that the Board approve Hayes, Seay Mattern and Mattern as the consultant for the "B" Street Underpass, with a second from Commissioner Cox. So ordered.

Street Signs: Commissioner Cox asked if Mr. Easley ever had an opportunity to check on the street signs?

Mr. Easley said he did. David Savage said the policy they had when he was in the Sign Shop was that if the street improvement has been accepted for maintenance by the City or the County they would put up the street signs. As a matter of policy the Post Office Department will not delivery mail without a street sign. It is a practical matter. Sometimes the subdivider gets in a hurry to put up street signs. He will put them up with his own money in order to get mail delivered to houses that he has sold. Mr. Savage estimates that half the street signs in the City and County subdivisions are erected through the sign shop.

Commissioner Cox asked if this is in writing?

Mr. Easley responded, "No; that was a verbal thing."

Commissioner Cox said, "That needs to be in writing. She talked to another gentleman who previously worked in the sign shop and he said that was not their practice at all."

Commissioner Willner said "Let's clarify one thing. David Savage is not now the...."

Mr. Easley interjected, "He told me what the policy was when he was there -- and he was there for many years. If he told me that I believe him."

Commissioner Cox said "Who was there between David Savage and the one who is there now?"

Mr. Easley said "Mr. Mangold?"

Commissioner Cox said "We need this in writing."

Mr. Easley questioned Mrs. Cox about her policy?

Mrs. Cox replied "We don't have a policy; we have nothing in writing. It's just been a practice."

Mr. Easley said "In one respect, I think you could ask the subdividers to -- you can adopt a standard for street signs and ask them to put them up."

Commissioner Cox said she thinks the Commissioners should meet with the Area Plan officials to see what input they have on the ordinance; because Barbara Cunningham was going to get a feel from the APC as to how they feel about this.

Mr. Easley said "If you want to look upon it as a completed street, you have the pavement and the street sign, then we take over the maintenance of it. Then if it is vandalized, it is our responsibility to put it back. Maybe we could shift some of the cost. It's up to the Commissioners.

Commissioner Cox asked, "Who puts up the "Yield" signs within a subdivision?"

Mr. Easley responded, "The Traffic Department; it comes out of our budget -- and they are expensive.

Commissioner Willner interjected "I don't think we ought to ask the developer to put them up. Traffic is government's problem.

Commissioner Cox said, "If this is our policy, we need something in writing."

Commissioner Willner asked that Mr. Easley write up something and the Commissioners will affix their signatures and then we'll be done with it.

RE: ORDINANCE RE GROUP HEALTH INSURANCE FOR QUALIFIED RETIRED EMPLOYEES

President Willner said he has an Ordinance providing Group Health Insurance for qualified retired employees. He asked if this has been advertised?

Commissioner Cox said it has not. They were waiting for the County Attorney to tell us how many times it has to be advertised.

Commissioner Willner said before the Commissioners sign the Ordinance in final form, it has to be advertised.

Attorney Miller said the ordinance does not have to be advertised if it does not carry a penalty.

Commissioner Willner asked if County Council has to approve the ordinance?

County Attorney David Miller said he will check the State statute and get back to the Commissioners later in the meeting.

RE: TAX TITLE DEED

President Willner submitted a Tax Title Deed to property located at 30-32 Jefferson, Tax Code 11-11-22-16-17. He said he will ask the Auditor to keep track of same, because we are to sell this property in 1987. He requested that Deputy Auditor Sam Humphrey check this out and advise the Commissioners next week if there is anything they need to do on this.

RE: COUNTY TREASURER - MONTHLY REPORT

A copy of Treasurer's Monthly Investment Report dated November 30 1986 was submitted.....report received and filed.

RE: OLD BUSINESS

The Chair entertained matters of old business to come before the Board? There were none.

RE: SCHEDULED MEETINGS

The Chair asked if there were any scheduled meetings to be brought to the attention of the Board? There were none.

RE: CLAIMS

Tri-State Reporting Service: Claim in the amount of \$642.20 presented in conjunction with depositions of Tim and Jo Ann Reed.

Motion to approve claim was made by Commissioner Cox with a second from Commissioner Willner. So ordered.

RE: EMPLOYMENT CHANGES

President Willner said he has an Exit Interview Information Sheet and Release Form for James Warren Ethridge, Jr., Staff Attorney with the Legal Aid Society of Evansville, Inc. It says he has accepted a position in the private practice of law.

Burdette Park Appointments)

Laural Martin	Receptionist	\$4.35/Hr.	12/1/86
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Pigeon Township Trustee (Appointments)

Mary Jo Mooney	Clerk	\$35.00/Day	12/1/86
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Prosecutor (Appointments)

Michael Danks	Dep. Pros.	\$18,000/Yr.	12/15/86
Christian Lenn	Dep. Pros.	\$26,000/Yr.	12/15/86
Dennis A. Vowels	Dep. Pros.	\$22,000/Yr.	12/15/86
Timothy Klingler	Dep. Pros.	\$24,000/Yr.	12/15/86

Prosecutor (Releases)

Dennis A. Vowels	Dep. Pros.	\$20,000/Yr.	12/15/86
Christian Lenn	Dep. Pros.	\$24,000/Yr.	12/15/86
Michael J. Danks	Dep. Pros.	\$18,000/Yr.	12/15/86
Timothy Klingler	Dep. Pros.	\$22,50/Yr.	12/15/86

It was noted by Commissioner Willner that the foregoing is merely a change in the Account Number; these people were not actually released; this was done to pay the aforementioned from another account.

Clerk of Circuit & Superior Courts (Appointments)

Doretta Fairchild	Dep. Clk.	\$245.21/Pay	12/8/86
Mary Ellen Coker	Dep. Clk.	\$490.42/Pay	12/1/86

Clerk of Circuit & Superior Courts (Releases)

Michelle Knapp	Dep. Clk.	\$245.21/Pay	12/8/86
Doris Schroeder	Dep. Clk.	\$490.42/Pay	12/1/86

/Sheriff (/Appointments)

James Ayers	Civilian Jailer	\$14,348/Yr.	12/1/86
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Circuit Court (Appointments)

Johnnie J Dupone	P/T BailBond	\$5.00/Hr.	10/29/86
Donald Vowels	P/T Bailiff	\$5.00/Hr.	10/19/86

Cumulative Bridge Crew (Appointments)

Jeffrey G. Mitchell	Operator	\$8.45/Hr.	11/28/86
James R. Carrigan	Laborer	\$7.77/Hr.	11/18/86

Cumulative Bridge Crew (Releases)

James R. Carrigan	Operator	\$8.45/Hr.	11/28/86
Jeffrey Mitchell	Laborer	\$7.77Hr.	11/28/86
Anthony L. Hall	Inspector	\$7.77	11/28/86

Legal Aid Society, Inc. (Releases)

James W. Ethridge, Jr.	Staff Atty.	\$19,740/Yr.	12/5/86
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RE: COUNTY ASSESSOR - JAMES ANGERMEIER

County Assessor James Angermeier entered the meeting and said he needs to make a trip to St. Louis. However, if he is not going to get the additional space he requested there is no need for him to make the trip to St. Louis. Thus he wanted to get in today's Commissioners' minutes their comments about the additional requested space. He said there is more space between the aisles in the Recorder's Office than he has in his office. The abstracters also occupy a lot of space next to the Recorder's Office. The north wall of the Recorder's Office can be moved -- and he needs the space.

After brief comments between the Commissioners and Mr. Angermeier, Commissioner Willner advised he will check with the Building Authority to determine what can be done re increasing office space for the County Assessor.

RE: GROUP HEALTH INSURANCE BENEFITS ORDINANCE

Attorney Miller returned to the meeting and advised that the Ordinance re group health insurance benefits for retired employees does not have to be approved by Council. However, they will have to appropriate the monies for the county's share of said benefits.


Motion to approve and sign subject ordinance was made by Commissioner Cox with a second from Commissioner Willner. So ordered.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 4:45 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	David V. Miller
	R. J. Borries	(Chief Deputy)	
	S. J. Cox		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>AUDITORIUM</u>
	Andy Easley	Bill Bethel	Kim Bitz
	<u>AREA PLAN</u>	<u>OTHER</u>	
	B. Cunningham	Jerry DeLucia (UW Task Force)	
		John Schroeder (Welfare)	
		Jerry David (Prospective Bidder)	
		Donald Wright, Atty. for J. David	
		News Media	

SECRETARY: Joanne Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 15, 1986

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, December 15, 1986, in the Commissioners' Hearing Room with President Robert Willner presiding.

The room was filled to overflowing with a huge crowd gathered in the upstairs hallway. Prior to opening meeting, Commissioner Willner stated that a number of Rezoning Petitions had been continued to next month, as follows:

- VC-20-86 - Petitioner, Randy McClaskey
- VC-22-86 - Petitioner, George Ryan
- VC-24-86 - Petitioner, Donald J. Folz
- VC-26-86 - Petitioner, Chal Corporation
- VC-27-86 - Petitioner, Ed, Ted & C. Will

The primary reason for postponement was the fact that Commissioner Shirley Jean Cox is on vacation until after the holidays, and it was felt that all three (3) Commissioners should be on hand for the Third Readings.

President Willner called the meeting to order and subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Borries that the minutes of December 8, 1986 be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: AWARDING OF CONTRACTS/GUARD RAILS, CALCIUM CHLORIDE & LIQUID ASPHALT

The Chair asked the Purchasing Department for recommendation on awarding of subject bids.

Mr. Tom Dorsey said the first item mentioned was guard rails. At this time he'd like to request that awarding of contract on guard rails be deferred pending additional information on the projected quantities for the County Highway Department.

Calcium Chloride: Based on the quantities estimated, Mr. Dorsey said there were two bids received, as follows:

- Orbie of Illiana.....\$26,040
- P. B. & S. Chemical Co. (Henderson, KY)....\$23,040

It is the recommendation of the Purchasing Department that the contract be awarded to P. B. & S. Chemical Co. of Henderson KY in the estimated total amount of \$23,040.

The Chair entertained a motion.

Motion was made by Commissioner Borries that the contract for calcium chloride be awarded to P. B. & S. Chemical Co. upon the recommendation of the Purchasing Department, with a second from Commissioner Willner. So ordered.

Liquid Asphalt AE-150: The only bid received was from J. H. Rudolph & Co. at estimated cost in 1987 of \$196,550. It is the recommendation of the Purchasing Department that this bid be accepted.

Motion to award contract to J. H. Rudolph for Liquid Asphalt was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

The Chair then entertained a motion that the awarding of contract for guard rails be deferred for a period of one (1) week.

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

RE: REZONING PETITIONS

VC-28-86; Petitioner, Larry Gates (C-4 to M-1): President Willner asked if anyone is present to speak to the subject rezoning petition? There was no response. Continuing, Commissioner Willner said owner of record is Larry Gates of 5555 Eden Drive, Evansville. Common address of the zoning is 7635 Highway 65, Evansville, IN. Existing land use is automobile service station and proposed land use is automobile service station, auto repair and automotive painting. The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-28-86 be approved on First Reading and forwarded to Area Plan Commission, with a second from Commissioner Willner. So ordered.

VC-29-86; Petitioner, Paul K. Neville: Requested change in zoning is from A to R-4. Location is 200 S. Boehne Camp Rd. Owner of record is Hidden Oaks Apartments, Ltd. Petitioner is Paul K. Neville. Present zoning is Agricultural and requested zoning is R-4. Sewer is available; water is available. Property is currently vacant. Proposed use of property is multi-family apartments. Property is located on north side of State Highway 62 at the northeast intersection of Highway 62 and Boehne Camp Rd. The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-29-86 be approved on First Reading and forwarded to the Area Plan Commission, with a second from Commissioner Willner. So ordered.

VC-30-86; Petitioner, Mac's Cookie Co. (A to C-4): Common known address is 4407 Huebner Lane; owner of record is Russell McIntosh. Present land use is agricultural. Proposed land use is cookie warehouse. The Chair asked if anyone is present to represent petitioner? There being no response, a motion was entertained.

Motion was made by Commissioner Borries that VC-30-86 be approved on First Reading and forwarded to Area Plan Commission, with a second from Commissioner Willner. So ordered.

VC-18-86; Petitioner, Ed Kuhlenschmidt (A to C-4): The Chair recognized Attorney Les Shively, who stated he is present to represent Mr. Kuhlenschmidt. Briefly, the purpose of this rezoning is for purchase of property immediately adjacent to Mr. Kuhlenschmidt's Toyota agency. This property is located immediately west of the Toyota franchise. The Commissioners rezoned the property on which the Toyota agency is located not quite a year ago. The subject property is immediately west of the agency. Mr. Shively said he thinks the site plan is self-explanatory. It is very similar to the previous rezoning request. He would note, however, that this property will be used for the Dodge franchise. Chrysler Corporation is requiring Mr. Kuhlenschmidt to obtain an eastside location and this is part of the compliance for the franchise requirements. If the Board has any questions, he will be glad to answer same.

The Chair entertained questions.

Commissioner Borries said this area is a rapidly-growing area and one in which the Commissioners have been concerned re the growth in the area on the north side. It is very important to the Commissioners that all of the changes proceed in an orderly fashion in a sense that the services that are needed to conduct these businesses be on line when some of these requests occur.

Has there been any discussion concerning the extension of a north-south road in this area?

Attorney Shively said there has been mention of what is referred to as a proposed extension of Royal Avenue. He believes another rezoning request the Commissioners have before them this evening is similar and involves property to the west of subject property. They have agreed to provide 25 ft. of right-of-way running along the west line of Mr. Kuhlenschmidt's property for the purpose of the extension of Royal Avenue, conditioned upon the event of the construction of Virginia Street, which would provide the east-west link. Obviously it would make no sense for them to extend that were there not a road coming east-west that would incorporate. He believes Mrs. Zigenfus of EUTS referred to the grid system that is necessary in that area. Yes, they understand the problem; they have agreed to provide 25 ft. of right-of-way running along the west property line of Mr. Kuhlenschmidt's property, providing that there are plans and there will be a Virginia Street or similar street in that area to provide an east-west connection.

Commissioner Willner asked "How about the roadway, itself?" They are going to give the easement; how about construction of the roadway?

Commissioner Borries asked whether Mr. Kuhlenschmidt has indicated that he would be willing to help in the construction of that roadway?

Attorney Shively said that Mr. Kuhlenschmidt has not been approached about anything towards the construction cost of the roadway in terms of bearing a proportionate cost. He is willing to give the right-of-way. That is not to say that he will not participate in that regard, but he is not prepared to make a commitment at this time. He is still working with developers in the area and the proper governmental authorities who have jurisdiction over the roadway. But he will, in fact, give the right-of-way.

Mrs. Cunningham said she understood that Mr. Easley had been talking with Mr. Kuhlenschmidt and she understood that he was....

Attorney Shively interjected, "Mr. Easley has never talked to myself or Mr. Carroll, who represents Mr. Kuhlenschmidt. That is not to say that we are not going to be cooperative; and it may be that down the road something can be worked out along those lines. We are not shutting the door on the possibility. It's just that we are not prepared to make that commitment at this time. The only thing that has been discussed with us was providing the 25 ft. of right-of-way for Royal Avenue, and we are willing to give that property."

The Chair entertained further questions.

Commissioner Borries said he knows the Area Plan Commission has completed a draft that was introduced at the last meeting regarding this whole area north of there and he guesses the Board does have some concerns that these services be in place. Unless we are able to have an orderly development here, he doesn't know of any way (perhaps Commissioner Willner will say) at this point that the county can afford to construct any streets in that area. We are hard pressed to maintain what we have with the expense we have plus plan for some major roads such as Lynch Road and the extension of North Green River Rd. north of Highway 62 or Morgan Avenue. These are some major expenses that the county is going

to have to come to grips with if Congress approves the Highway Bill. Thus he has some concerns here that we have everything in place. The road is a concern and, of course, there have been questions and comments on sewer and water lines in this area to make sure that at this point everything is going to be adequate.

Mrs. Cunningham said that with just the right-of-way given at this time, she is afraid that the plans now are to extend Royal Avenue from the frontage road on Division Street to Oak Grove; and in most instances a commitment has been made to build and give the right-of-way in this area. There is an area that has not been committed, but the County Engineer is working to secure the right-of-way. She apologizes to Mr. Shively; she thought it was being taken care of elsewhere and she thinks we need a frontage road and a good system in that area to support the increased utilization of this area. Probably she and Mr. Shively and Mr. Kuhlenschmidt should have gotten together and talked because she felt from what she heard that he was agreeable to participating in the cost of this.

Mrs. Cunningham said she thinks that at the last APC Meeting a couple of months ago, that was a consideration at that time. Therefore, she thinks perhaps the blame is not only with the APC but with Mr. Shively's client and himself on this.

Attorney Shively stated, "Mrs. Cunningham, with all due respect, I'll share the blame if it makes everybody feel better. I don't think that is the case. If I can, let me include this for the history on the situation. We did not even learn of the Royal Avenue proposal until less than 24 hours before the APC meeting where this was introduced. At that time we were not in a position nor prepared to address that. Subsequent to that meeting we did commit on the frontage road, which is already a commitment made by Mr. Kuhlenschmidt. We now are committing this evening for the record to giving the 25 ft. of right-of-way so the county does not have to go through condemnation proceedings, etc., and does not have to acquire the land (which normally would be the case). To the best of my knowledge, the construction issue was not discussed with any representative of the county. In order to clear the air on this once again, if the Commissioners want to wait until the next meeting or January (Mr. Kuhlenschmidt is out town, which is why he is not here this evening), I will get Mr. Kuhlenschmidt and address the Commissioners' concerns to him and see if we can get this worked out."

Commissioner Willner said he does not believe that is necessary. He believes this Commission can approve this zoning subject to their wishes. He then expressed appreciation to Mr. Shively. He said he would proceed by reading a letter from Norm Meyer to the audience. He asked if Mr. Meyer is present, and if he would like to read his letter?

Mr. Meyer said he assumes that Commissioner Willner has read the letter. Mr. Willner acknowledged that he has.

Mr. Meyer said the following letter was written on behalf of the Fielding Court Homeowners' Association (he is president). Fielding Court is located just north to the rezoning in question. The letter was written to the County Commissioners to read prior to this meeting. He asked that the audience be aware of the fact that they are here to simply clarify a few things and not to remonstrate.

"December 15, 1986

Mr. Robert Willner, President
County Commissioners
City-County Building
Evansville, Indiana 47708

Dear Bob,

I am writing to you as a representative of the Fielding Court Homeowners Association. It is our understanding that Mr. Edgar Kuhlenschmidt will be appearing before the County Commissioners to request a zoning change to C-4 on property located across the street from our neighborhood. It is our further understanding that he anticipates putting in another car dealership.

If the aforementioned is true, we would like for you to have our request incorporated into the minutes of the County Commissioners meeting. While Fielding Court Homeowners remonstrated against Mr. Kuhlenschmidt in his initial commercial development venture for Evansville Toyota, we feel that he has been a relatively good neighbor for us. Our neighborhood association was disappointed by the fact that while Mr. Kuhlenschmidt did put in low lights of approximately sixteen feet (even though the Commissioners approved the zoning subject to maximum light height of twelve feet), there was a very sizable sign for Evansville Toyota that has light overflowing into our neighborhood.

We do not desire to remonstrate against the rezoning request of Mr. Kuhlenschmidt this time; however, we would request that you ask Mr. Kuhlenschmidt to agree on a twelve foot lighting scheme in the event he puts in another car dealership across from our neighborhood. We also ask that you request Mr. Kuhlenschmidt to modify the size of his main sign which will keep the lighting from spilling into our neighborhood. We feel if the petitioner would do this that we would be content in having him as our neighbor in future years.

We appreciate your consideration of this request on our behalf and hope that it is incorporated into the zoning change as was the case during the initial zoning change on land for Evansville Toyota.

Sincerely,

Norm Meyer, President
Fielding Court Homeowners Association

cc: County Commissioners"

With regard to the sizable Toyota sign, Mr. Meyer said that, in essence, they feel that was part of the stipulation insofar as light poles. That sign is more like 40 ft. tall. It is essentially a vertical light; it is obtrusive and it does spill over into the neighborhood at night.

Again, Mr. Meyer said they are disappointed in what they feel to be a unilateral compromise of the lighting, which was a very clear stipulation during the last rezoning. They feel they can live with the lighting per se as it has been compromised, if it would be restricted to that in future rezoning. But they do respectfully ask that something be done about what again appears to be a very clear violation and that they be given some consideration in order to avoid this kind of proliferation in the future. Members of the group have spoken with the Regency Property folks and these folks have committed that in their development they do plan to have controlled lighting and low signage. For both the Evansville area, in general, and for their neighborhood, this would be the appropriate thing to proceed with.

The Commissioners expressed appreciation to Mr. Meyer for his comments and asked that he submit the letter so the secretary can incorporate same into the minutes.

The Chair asked if there are others who wish to speak concerning VC-28-86? There being none, he asked if there are any remonstrators to VC-18-86? There being none, Commissioner Willner said his idea would be to stipulate the lights and the sign for this particular zoning and also the right-of-way and the building of half the road on the east side of this property.

Commissioner Willner said he'd like to get back to a little bit of theory here. County Government in the State of Indiana has never been flush with dollars for roadway. That is not this Commission's fault; but the fault of the legislatures and the State. They have, in the past, wanted to control the dollars coming in from gasoline tax, as well they should. But we find that here lately they want to shun that responsibility and try and give it to the local people. He guesses the way they have done this is to make the local option income tax, wheel tax, etc., available to the county. We have both. It is still not enough dollars to install new roadways without help from the Federal Government. We have seen that even with subdivision households, that the developer must install his own roadway. Once they are installed, we will take them over (if they are installed to our specifications) and maintain them from now on. But we have never built one for a developer or for a homebuilder. We just haven't done it. We haven't had the resources to do it. So, we're not asking Mr. Kuhlenschmidt to do anything differently than we ask anyone else. "If you want a commercial zoning, you build your own roadway to our specifications and we will take it over. The same way with a homebuilder. So what we're asking here is nothing new; nothing out of the ordinary; and no different than we treat anyone else. I would think that we would ask Mr. Kuhlenschmidt to conform to the lighting, the signing, and the right-of-way and the road building. With those stipulations, I certainly would be willing to give my blessing to this proceeding. By the way, the Area Plan vote was four (4) ayes, three (3) nays and one abstention. It goes forward to the County Commissioners with no recommendation from the Area Plan Commission.

In response to query concerning, sign Mr. Willner said he doesn't know whether we can actually get his sign down to twelve (12) feet; but it is a little high there.

Commissioner Borries said he had also stipulated in the previous request that the lights were going to be twelve (12) feet and, of course, recessed to the point where they were not going to adversely affect the residents on the south side.

Commissioner Willner said "And I respect their rights. We probably zoned this property against a lot of people's wishes and the last election he heard from them -- there's no question about it. But I believe that commercial property and residential can work together and we've done this. I'm not sure that you come before us tonight thinking that maybe we're going to rezone this anyhow. That well might be true. But we do try to work with you and there are several cases in Vanderburgh County where it worked very well. I think everybody admits that Edgar Kuhlenschmidt builds a quality place and does try to work with us."

Commissioner Borries said "I certainly agree. The hang-up is going to be that if he is not here and would not agree to the road building, we could have a major problem. But I agree to your stipulation to that fact. Obviously if this area is going to develop, we have to have a system here that is going to be good business for those people involved, as well as good planning to get this done that way."

Commissioner Willner said "And we're going to ask the next zoning to the west to build their easterly section (just as we are someone else) and without those things happening it is not going to be rezoned.

The Chair asked if anyone else wishes to speak to what has transpired in the last few minutes. There being no response, the Chair entertained a motion.

Motion was made by Commissioner Borries that VC-18-86, Petitioner Edgar Kuhlenschmidt, be approved with stipulation of stipulated site plan which would include the described twelve (12) foot lighting, with a sign that indicates the business of no higher than twenty-five (25) feet, that the petitioner will grant 25 ft. of right-of-way, that the petitioner will extend a roadway north on that 25 ft. of right-of-way along the length of that property, and a frontage road will be included as part of the stipulated site plan.

Attorney Shively said he thinks what the Commissioners are saying is that on the construction cost that they bear half the cost of that 50 ft. roadway located along their west line. Is that correct?

The Commissioners indicated that this is correct. Commissioner Willner then provided a second to the motion and asked for a roll call vote: Commissioner Borries yes; Commissioner Willner, yes. So ordered.

Mr. Meyer approached the podium and said he has a question. How are these stipulations for rezonings enforced? Can President Willner address that? Or is that inappropriate to bring up at this time?

Commissioner Willner said that is a good question; but he is not certain he knows the answer. Certainly, his future zonings would come to bear. If he were not to do these things and then come back and want another rezoning, they'd have to look at it very closely. You're going to say that he has already done that. He said he believes he can get Mr. Kuhlenschmidt to take care of that lighting and that sign -- he believes he can. And he will try. He thinks there would be recourse for anybody in the courts. There is always that option. But it is an expensive and he is certain they do not want to go through that and neither does he. Let him try to do the best he can.

President Willner said he might also add that what we're asking Mr. Kuhlenschmidt is not cheap, as anyone will attest. He'd hate to put a dollar figure to it; but it is not cheap. And on any other zoning we're going to request (he doesn't know what construction cost is now per mile).....

Resident stated that their residences are not cheap.

Commissioner Willner said, "No doubt about it; no doubt about it. And you have to include those -- no doubt about it."

VC-19-86; Petitioner Bruce Bemis (R-1 to C-4)

The Chair recognized Attorney Ben Cubbage, who stated he is representing Mr. Bruce Bemis this evening. They have previously petitioned a rezoning from R-1 to C-4 on a small lot located on the Old Henderson Rd. This property is about three (3) miles north of the Dogtown Restaurant and Dogtown Boat Dock. The area they are seeking to have rezoned is a lot approximately 135 ft. to 140 ft. and runs in parallel lines to Old Henderson Rd. to the right-of-way to the old L&N Railroad. Four lots of this particular property is the intersection with Nurrenbern Rd. Nurrenbern Rd runs from Henderson Rd. west to Red Bank Rd. and then Red Bank Rd. runs due north and south. But that peninsula affair that is shown on the plat -- the R-1 area -- is zoned R-1 with two exceptions. The remainder of the property (east, south and west) is agricultural. Mr. Cubbage proceeded with his brief presentation, pointing to various points on the plat. Continuing, he said Mr. Bemis' use of this property is for the purpose of erecting a storage building to store boats. Obviously, this area doesn't provide the access that the boaters

use for the Dogtown Boat Ramp and that boat dock which is located further south on the Ohio River. It is Mr. Bemis' proposal to erect a metal building which would be enclosed; it would not be an open type building which he thinks perhaps was alluded to in the minutes of the prior Area Plan Commission Meeting. Mr. Bemis is here tonight, together with his wife, and will be glad to answer any questions that Mr. Cabbage does not fully address. But the building proposed to be constructed on this lot would be a 130 ft. long metal building, and approximately 30 ft. wide. Mr. Bemis proposes to place the back of this building as close as possible to the back extremity of the property and the railroad right-of-way, as far away as he can get from the Henderson Rd. This will place the building itself on the back extremity of the lot and certainly up and parallel with or in any kind of competition with the rest of us. The lot will be fenced and there will be a gate. Those would be in front of the driveway, of course, which would have to be installed. The foregoing would essentially be the improvements which Mr. Bemis proposes. There were objections raised at the Area Plan Commission meeting (as the minutes will certainly show) by some of the neighbors. One of the questions which did arise and which he thinks does deserve some kind of attention is the fact that these two other lots apparently were rezoned in this immediate area without objection. He guesses the objection did not arise because they were neighbors and Mr. Bemis is not a neighbor. He is satisfied that Mr. Bemis does not plan to reside on this property. He does plan to use it, if it is rezoned, as a boat storage facility -- nothing further is contemplated. As mentioned, both Mr. and Mrs. Bemis are here and would be happy to entertain any questions. Mr. Cabbage said it is not Mr. Bemis' intent to try to degrade or reduce the quality of the neighborhood. To the contrary, he believes Mr. Bemis is open to any suggestions and is certainly willing to adhere to any reservation that this Board and the neighborhood might want to put on him within the framework or scope of his intended use. Mr. Cabbage thanked the Board for their attention and entertained questions.

Commissioner Willner queried Mr. Bemis re the size of the building.

He said the proposed building will be about 18 ft. long and 30 ft. wide and would be placed about 25 ft. from the back of lot line.

The Chair entertained further questions. There being none, President Willner asked if there are any remonstrants to VC-19-86?

Mr. Lewis Carroll of 6611 Rosser Drive approached the podium and was recognized by the Chair. He stated he farms in Union Township. He said he thinks the Commissioners have on hand a Petition opposing the rezoning, with some forty-six (46) signatures, which they had before the Area Plan Commission.

Commissioner Willner said the Board will not testify to the correctness of the addresses or place of residence of the signees, but they will make the petition a part of the formal record.

Continuing, Mr. Carroll said those signatures, as well as fellow remonstrators who are here tonight, recognize the problems they would have with additional rezoning in the subject area. The Old Henderson Rd. is the main artery to Union Township. This road is becoming more and more traveled and more and more dangerous. In fact, when it was mentioned that they have the boat launch area further south toward Dogtown -- there is a tremendous amount of traffic and the danger and health hazard is becoming greater all the time. They feel that this would make it more dangerous. It was mentioned that the area was cornfields by and large down through that area. If the Commissioners have driven down there, they have noticed that there is a row of trees along the east side as you go south and there is a tremendous drop-off. This is

what is known as Stinson Bottoms. There is no way to widen the road on the left side. The only way would be to go into the property on the right hand side of the road, which is permitted. Therefore, they already have a dangerous situation -- a narrow road -- with a lot of traffic. In the summer they have a lot of sightseers and the speed limit is oftentimes ignored. In fact, sometimes the Sheriff puts on special units down there in an effort to slow down the traffic.

In speaking of designated lot which is relatively narrow, Mr. Carroll said this would make another bottleneck insofar as in and out traffic. There are two very nice houses located on each side of the proposed lot. It is true that they have the railroad behind them, but you can gradually get used to the noise -- and why make a bad situation worse by putting another business between the houses along this stretch of the road. Most of us spend our whole life investing in a home. Then to have something crop up beside it that would destroy this aesthetic value of the home is quite drastic. As far as a fence and a metal building, it would have to be built up to the 1937 flood regulations, which would put it even higher. And he supposes there would be a fence surrounding the area for security purposes. "How would you like to go out of a morning and stretch and gaze at a very large fence and building next to your home? I think it would be pretty disappointing."

All in all, Mr. Carroll said that with the safety problems, the aesthetic value, the drop of value of the houses involved, they feel the area should be left zoned as it is.

The Chair entertained questions. There being none, President Willner then asked if any remonstrators are present concerning VC-19-86? Approximately ten (10) people stood. President Willner asked if anyone else wished to speak?

Mr. Albert Lee who owns Hybrid Inn with four (4) lots on Old Henderson Rd. was recognized by the Chair. He said the Hybrid Inn is almost 4 1/2 acres, and he owns two (2) residences there.

The Chair then called for further statements, if any. There being none, President Willner said the APC voted one aye, seven nays and one abstention. A motion was entertained,

Motion was made by Commissioner Borries that VC-19-86, Petitioner Bruce Bemis, be approved, with a second from Commissioner Willner.

The Chair then asked for a roll call vote: Commissioner Borries, no; Commissioner Willner, no. President Willner declared the petition denied.

VC-21-86; Petitioner, Columbia-Sussex Corp.: The Chair recognized Mr. Brad Marman, who stated he is a Project Engineer for the Columbia-Sussex Corp. He said they are requesting a rezoning from an M-2 to a C-4 at the location of 7101 Highway 41 North. If this rezoning occurs, they have proposed to build a 200-room luxury type hotel, as illustrated in drawing. He said that Columbia-Sussex is in the hotel/motel development business and has been around for numerous years. They own and operate 38 hotels across ten (10) states in the eastern half of the United States and they feel that Evansville is a good area for a luxury type hotel. Geographically, they have properties east of the Mississippi River and as far north as Rochester, NY and as far south as Orlando, FL. Their properties consist of chains such as Hilton Hotels, Holiday Inns, Ramada Inns, Best Westerns and Day's Inns. They have come to Indiana area because of its current and future growth and feel that the area can support a thousand rooms in today's marketplace.

Continuing, Mr. Marman said the only other thing he wishes to bring to the attention of the Commissioners is that they have filled out a F.A.A. form as requested at the APC meeting and it has been returned to them. He will be glad to answer any questions.

Commissioner Willner said the acknowledgment just handed to him was signed by Edward R. Heaps and was issued in DesPlaines, IL. He is the Manager of Air Space Branch A520. He said the proposed construction does not require a notice to the F.A.A.

The Chair entertained questions.

Commissioner Borries said that based on that -- and, again, he is looking at the minutes of September meeting on that. He knows that Bob Werking, the Airport Manager, spoke at that meeting. Did we talk about this falling under the Indiana Tall Structures Act and that it had to conform to these requirements? Is that what this particular item addresses?

Mr. Marman said this is correct. The form he just handed Mr. Humphrey for reproduction is the form that has to be filled out for the F.A.A. They forward the application to party who handles Indiana Tall Structures Act. We will receive a copy of the F.A.A. report.

Commissioner Borries said the rezoning was approved at the APC meeting. He queried Mrs. Cunningham re Mr. Werking's question concerning the Tall Structures Act.

Mrs. Cunningham stated that Mr. Werking said he probably would be here tonight -- but he is not. As she recalls, Mr. Werking stated he was not a remonstrator against the operation, but he wanted them to be aware they had to have F.A.A. approval. The rezoning goes to the Board of Zoning Appeals on Thursday, as they are seeking a variance from 50 ft. to 60 ft. tall. She will get in touch with Mr. Werking and tell him about the BZA meeting. She spent several minutes going over the plan with the Commissioners, discussing cut on Old State Highway 57, easement, main entrance, etc.

Commissioner Willner said he understood that Mr. Marman's handout was from the Manager of Air Space/Great Lakes Region. He is saying that this does not need F.A.A. approval. Is that correct? Mr. Marman verified that this is correct. The form has been filled out and sent to him, and he returned the form which Mr. Marman gave to Commissioner Willner.

Commissioner Willner said this is what he understood from the correspondence. He does not testify to its correctness, only that this is what the form said. The Chair entertained further questions. There were none. The Chair then entertained comments from remonstrants. There were none.

A motion was entertained.

Commissioner Borries said that with this acknowledgment (this is an acknowledgment of Notice of Proposed Construction or Alteration sent to the Federal Aviation Administration) which was returned saying the proposed construction does not require notice to the F.A.A. Thus, he moves that VC-21-86, Petitioner Columbia-Sussex Corporation, be approved, with a second from Commissioner Willner.

The Chair asked for a roll call vote: Commissioner Borries, yes; Commissioner Willner, yes. President Willner declared the petition approved.

VC-23-86; Petitioner, Regency Associates: The Chair recognized Attorney Steven Weitzel, who stated he is appearing on behalf of Regency Associates. Regency Associates is also joined by Marie and Walter and Della Circle, the current owners of the property.

Mr. Weitzel said he might also point out that the Circles are also the owners of the real estate that borders this property and the real estate to the east, which was the subject of an earlier petition here this evening.

The subject property consists of approximately 28 acre parcel. It is bounded by proposed Division Street expansion. It is commonly described as 5522 Division Street. The petitioner is requesting a change in classification from Agricultural to C-4 to accommodate the development of a shopping center to be known as Village Commons. The shopping center will consist of an anchor store (Wal-Mart Store), a drug store, a supermarket and other retail stores. In addition, along the south edge of the proposed internal dedicated street and north of Division Street certain outlet parcels to accommodate future retail development and restaurants. He would indicate primarily that at the APC meeting, this petition received unanimous affirmative vote of 8 to 0, with one abstention. This property is approximately 1,340 ft. east of the intersection of Green River Rd. and Division Street and 320 ft. of the existing west line of the Evansville Toyota property. In the 1985 Comprehensive Land Use Plan, it was indicated that this property is designated for future commercial and multi-family residential use and he believes this was pointed out in the APC Staff Field Report. The zoning surrounding the property is as follows: to the north and immediately to the east is agricultural zoning, subject to this evening's action by the Commission. To the west it is zoned C-4 all the way to Green River Rd. Across Division Street to the south is the zoning classification R-1. He said he might point out that immediately south of this property across Division Street is the track and softball diamond for Harrison High School, the Faith Evangelical Lutheran Church and First Southern Baptist Church.

Mr. Weitzel proceeded by showing the Board an architect's rendering of what this shopping center will look like.

The developer will be placing a contemporary traffic sign indicating the location of the shopping center that will be similar in size and design construction to that at Eastland Mall Shopping Center. With regard to lighting for the facility, the developer will provide through a combination of shields and tilted fixtures for a minimization of light spillage to any surrounding areas. In this regard, he wishes to share a photo of surrounding areas. The two churches and Harrison High School will primarily have daylight useage as opposed to nighttime useage. They have been informed by the architects and design engineers that this combination of shielding and fixtures will insure minimum spillage of light to surrounding areas.

With regard to drainage, Mr. Weitzel said they have a grading plan and provisions have been made for a retention pond. Sharing drainage plans, Mr. Weitzel said the arrows indicate the general flow of the water. There is another retention pond to the west of the property which will accommodate drainage water not only from the property to the north, but will accumulate in the retention pond on the north and then flow in natural force to the retention pond and out to adequate tiling to the storm sewer drain on the south. It has been indicated that there will be no more run-off after completion of the development than presently exists on the property due to the design construction of the retention ponds.

Mr. Weitzel continued by showing the site plan and intended design of shopping center development. With respect to traffic access, he said that there will be a frontage road north of Division Street as it is designed to be improved -- constructed by the State Highway Department. There will be access to this frontage road to the shopping center from Fielding Rd. on Division Street and there will be a traffic light. Then, access from the traffic light internally into the shopping center development can be gained from the frontage road and the dedicated internal street. Stacking of traffic as it flows off

Division Street will be accommodated by both the internal street and secondly by the frontage road all the way to the Plaza East Shopping Center. The design of this traffic flow is to insure there will be no stacking of traffic into the shopping center onto Division Street. Mr. Weitzel said that, as indicated, the site plan shows a specific detailed layout and, of most importance for the future development not only of this property but of the east side is the area indicated in yellow which is the eastern 25 ft. boundary of this property. The developer has indicated his willingness and, in fact, has committed and the ordinance proposed stipulates the undertaking of the developer not only to dedicate but to construct the westerly 25 ft. of the 50 ft. roadway from Royal Avenue along its easterly 25 ft. boundary. This undertaking on behalf of Regency Associates would be at such time as the County Commissioners undertake or would cause to be undertaken the development of a grid plan for traffic as indicated in the preliminary draft of which they've seen a copy. Tonight the audience has heard some discussion tonight about a grid plan and that is reflected in Map 7 on Page 13 of said draft. The contingency to their commitment would be twofold; that would be they would work in tandem and in agreement with whomever the adjacent developer might be or the County, if it were to construct this roadway, to insure that there is an equal sharing of the cost of construction. His client undertaking to share to the extent of one-half the roadway located on this property. The other contingency would be that the State Highway does dedicate and construct the frontage road as currently indicated. This commitment to extend Royal Avenue would be from the frontage road for an approximate length of some 820 ft. to 830 ft. to the northern boundary.

As indicated, there is a stipulation undertaking that Regency Associates will make in its ordinance should the Commissioners so approve to enact it.

Relative to sewage disposal, Cheeks & Travis has indicated in its letter that a thorough review of property has indicated that there will be sufficient capacity in the existing sewage disposal system to insure that there will be proper handling of any sewage related to this development. The letter he forwarded to the Commissioners also indicates that there is adequate water and electricity to serve the development. One thing he'd like to indicate further about the roadway -- he thinks it is Regency Associates' position that if they're unable to come to an agreement with the adjacent property owner, they might like to reserve the right to go ahead and construct their one-half of the roadway to county specifications and designs. Should the Commissioners have any particular questions that he is unable to answer, Mr. Jim McKinney (one of the general partners of Regency Associates) is present today and he is certain he will be glad to answer any inquiries or concerns.

Commissioner Willner said the first problem he has is that he is not certain that the State is going to build that frontage road.

Mrs. Cunningham said she thought they were still meeting in an effort to get a frontage road. They are going to put in a frontage road and quite possibly they are going to continue with a frontage road to the eastern part. She believes Mrs. Zigenfus has been working with that. But as for committing to exactly that, she doesn't think

Mr. Weitzel said all they're concerned about is that if they're building all this, they want to make certain the State has committed to it, it is in the Master Plan, etc.

Mrs. Cunningham said the State has committed to a frontage road, but she is assuming that there might be a little deviation.

After further brief comments, Mr. Weitzel said they would like to have an assessment of what is going to happen in the entire development area.

Mr. Weitzel said he believes it has been determined that it would be in the best interest of development in the area to extend Royal Avenue and not Cullen Avenue, which his client previously indicated he'd be willing to do.

There would be an internal street according to present design; it will not be a dedicated street and roadway extending on the proposed Cullen Avenue Extension.

Commissioner Willner asked if this will stop at the back of the property line or go on through?

Mr. Weitzel said it will go on through to Virginia.

Mr. Weitzel said he is not certain.

Commissioner Borries said he believes Area Plan has attempted to address many of these problems in the recent management report on the Division Street area ((the area in which Mr. Weitzel's plans are being presented)). There is some comment regarding the sewers and the development. As pointed out, in the vicinity of Division Street west of Burkhardt Rd., there is adequate capacity for new development projects to tap into the 24 inch Division Street interceptor. At this point, it says that we are all right. But the county wants orderly growth (as it is sure they do) and they want it in a way that this whole area will benefit, because it is a dynamic area -- that is for sure.

The Chair entertained further questions. Commissioner Willner said Mr. Weitzel gave an excellent presentation.

The Chair then asked if there are any remonstrants to VC-21-86?

There being none, President Willner said he sees no signs; he is certain there will be one somewhere..

Attorney Weitzel said he thinks he briefly alluded to the signs. It will be very similar in concept to that in Eastland Mall Shopping Center. As pointed out, the current State of the art in shopping center signs is now low level, horizontal type structure..

Commissioner Willner said he is certain that the residents in the area across from the highway would appreciate their holding that height down.

In response to query concerning scheduled opening date, Attorney Weitzel said they want it to coincide with the opening of the Russell Lloyd Expressway....in the spring or summer of 1989.

The Chair again asked if there are any remonstrators present?

There being none, a motion was entertained.

Motion was made by Commissioner Borries that VC-26-86 be approved, stipulating that the developer will dedicate and construct a frontage road to the east of their property to participate with another developer on the east side to construct a road along the edge of their property to conform with county standards.

Attorney Weitzel said that by way of some clarification, there was discussion tonight about proposed frontage roads, and he wonders if we might clarify by stating that that will be proposed Royal Avenue Extension.

Commissioner Borries said, "We will talk about proposed Royal Avenue Extension, because the other dedicated street that Mr. Weitzel indicates could be a bit confusing. But this is going to be constructed on his client's property and it does not include the frontage road that the State of Indiana is going to construct

with Russell G Lloyd Expressway. In my request, I am referring to the proposed Royal Avenue Extension.

A second to the motion was provided by Commissioner Willner, who subsequently asked for a roll call vote: Commissioner Borries yes; Commissioner Willner, yes. President Willner declared the petition approved.

VC-25-86; Petitioner, David Guillaume:

The Chair recognized Mr. Joe Halburnt, realtor with Jeri Garrison Realtors. He said he represents Mr. Nathan Nolan, who is the current owner of the subject property and Mr. David Guillaume, the petitioner requesting the C-4 zoning for a portion of this property.

Mr. Guillaume has signed a purchase agreement with Mr. Nolan to purchase five (5) acres of land at 5901 Hirsch Rd. There is a home located approximately in the center portion of that property and he is requesting a C-4 rezoning for 1.67 acres, which is immediately behind and to the side of the property. Mr. Guillaume plans to live there along with his wife and two daughters. He is in the construction business and, on occasion, needs to store some equipment close by. He also does maintenance on that equipment from time to time. Ninety-five percent of the time his equipment is out on a job site; but occasionally he does need to do maintenance on same.

Mr. Halburnt said he might point out that Mr. Guillaume would have agreed to a variance,, but they understand that the only proper way to do it is to have a C-4 zoning for the use that he plans to make of this 1.67 acres. But he would be willing, (if the Commissioners are willing) to amend his petition tonight to lower the acreage from 1.67 acres down to 3/4 acres. He would also be willing to stipulate in the deed that Mr. Nolan will give to him that in the event he should sell the property in the future, that the property would then revert back to the agricultural zoning. What Mr. Guillaume is trying to do is to comply with the law. Should the Board have questions, Mr. Guillaume is here this evening. Mr. Halburnt said he, too, will be glad to answer any questions.

President Willner asked if Mr. Guillaume could draw a version of the 3/4 acres, so the Commissioners might know exactly where this is located.

Mr. Guillaume spent several minutes clarifying location and explaining his plans to the Commissioners. They would maintain the same back line and side line and cut the 108 ft. down by 25%.

Commissioner Willner said that when they talk in terms of C-4, this request really doesn't fit, in his opinion. There are so many uses in this. He plans to live at the residence, so we're talking about storage only of equipment that is next to a lot with horses. The closest property would be within a mile, which is a farm house. Mr. Guillaume would be willing to say that if he ever moves from there that he would at that point make the commitment to revert back to the original use and zoning?

Mr. Halburnt said that is correct. He would point out that it would be up to Mr. Guillaume to petition to have it reverted back to original zoning. He doesn't believe this would be automatic.

Commissioner Willner said he has done so for the record and he would assume that Mr. Guillaume wants to do so simply because he wants to live there; and at this point this is a very open area and allows him to not interfere with other persons' rights in terms of storage of his equipment. It was noted that fence is part of the stipulation. Is Mr. Guillaume going to construct a building on it?

Mr. Guillaume said he had thought about a small garage -- approximately 30 ft. x 40 ft., or something like that.

Commissioner Willner asked if the Board could ask that he make it something like a farm barn -- just for aesthetic value, because the house, itself, is an extremely impressive house; it has to be.

Mr. Halburnt said the five acres with house is listed is valued at something like \$179,000.

The Chair entertained further questions. There being none, President Willner then asked if there are any remonstrants to VC-25-86? There being none, President Willner commented that the APC denied the petition; they had one (1) affirmative vote; seven (7) negative votes and one (1) abstention. Hearing no remonstrants, President Willner entertained a motion.

Motion was made by Commissioner Borries that VC-25-86 be approved with the stipulations that the use of this property in the C-4 be amended to the area to 3/4 of one (1) acre; that the Petitioner would, if ever he moves from this site, voluntarily request that this property be reverted back to its original use or that the County Commission request same; that a fence be constructed around the area where the equipment is to be stored. A second to the motion was provided by Commissioner Willner.

The Chair then asked for a roll call vote: Commissioner Borries, yes; Commissioner Willner, yes. The Chair declared the petition approved.

President Willner advised Mr. Guillaum that the Commissioners stuck their necks out a bit for him tonight. He is certain that the APC in voting 7 to 1 had in mind the aesthetic value of that piece of property. He is asking Mr. Guillaum to be a good neighbor and to keep that aesthetic value in mind at all times. He doesn't mind sticking his neck out for Mr. Guillaum if the favor is returned.

RE: APPOINTMENT

It was noted by President Willner that the Board has an appointment to make this evening. Mr. Peter Gach has resigned his post on the Land Valuation Commission. He was appointed as an industrialist to the County Land Valuation Commission.

Motion was made by Commissioner Borries that the appointment of Mr. Byron Hubbard be approved, with a second from Commissioner Willner. So ordered.

RE: COUNTY ATTORNEY

President Willner said that County Attorney Curt John has advised he has nothing to report this evening.

Auditorium Gates: Attorney John said he will report that the Auditorium Parking Lot Gates still are not working. He has been making approximately two to three calls per day since the middle of November,, the latest being today. They assured him last Friday that they would be there. They assured him approximately three weeks ago that it would be done. As of the moment, we have not received any satisfaction with regard to this matter.

President Willner asked Attorney John for his recommendation.

Attorney John said he informed them during latest conversation that it is very possible that we will initiate litigation, not only to get the gates repaired, but to also seek damages for loss of revenues, etc. We do have a couple of claims pending for damage to vehicles due to malfunctioning gates.

Commissioner Borries said that in 1969 this country was able to put a man on the moon; at this very minute there are persons flying around the world non-stop. But on this day in 1986, we can't seem to find the technology to build a parking lot arm. He doesn't know what it is, but we have wrestled with this thing ever since he has been on the County Commission. We cannot find a good parking lot arm. The only one we have found able to do the job was a human being, whom we replaced -- probably in error, probably in error at this point. But we thought we'd take the individual out of the elements; we thought technology would replace a human being. But in this particular case, the human being may have won. We have done everything and we can't come to grips with this problem. We've had insurance claims on those arms. We've had people complain. He is not willing to give up; but he surely would like to search the world over to find an American-made arm. We have battled this and battled this --m taking up the valuable time of the County Attorney. It may seem a little late to talk about this. But we simply cannot win against these machines --they just don't work. But we have to find some way to overcome this. We live in a computer age, and we have giant screen televisions, all this multi-media sophisticated stuff -- but there just doesn't seem to be a product that works. Hopefully, someone will come up with something feasible.

Commissioner Willner asked if Commissioner Borries suggests we have the County Attorney file

Commissioner Borries said we have an individual on the gates now; he noticed at one of the events that both arms were up and we had an individual out there collecting fee. He doesn't know that we need to have someone out there the throughout the entire day. At one time, we even talked to City Clerk Betty Lou Jarboe and discussed parking meters. He believe the City has a few they could loan to us. At least they are reliable.

Attorney John said he will look into the possible remedies to the situation and make a recommendation.

Commissioner Borries said Councilman Mark Owen recommended the Stanley Door people.

Attorney John said he has talked to at least four different people - and each would say that he had talked to the wrong individual -- and then they'd shift him to someone else.

Commissioner Willner asked whether Attorney John has ascertained whether we do, in fact, have an agreement with them?

Attorney John said he has not looked at the minutes where the Commissioners accepted the bid, but he is sure that the major portion of the Board's consideration was given to the fact that on the bid, itself, they stated that replacement/repair was available immediately via Central Glass Co. Central Glass is no longer involved, as they have taken the repairs away from them. The repair man is a floater; he doesn't know where he has been floating, but it hasn't been around here.

The Commissioner Borries said he appreciates Mr. John's efforts. If Detroit started building cars like this, there would be a revolt in this country -- because they would have lasted less than a year.

Attorney John said that according to Mr. Bitz, he has been trying to resolve this matter since September 21st.

Commissioner Borries said the cards seem to work; but he doesn't know how we'd implement that type system. It would be interesting to survey the city to determine if there are any of these things that work and how long they work and what they do.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of December 8 thru December 12, 1986.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Boonville-New Harmony, Felstead, Rosser Drive, Outer Darmstadt, St Joe Avenue and Laubscher, 5909 Oak Hill Rd., Old 460, Rode Rd..

Grader: Buente, Outer Darmstadt Hill Top, Neubling, Sensmeier, Heerdink Rd., Old County Line Rd., Hornby.

Trash: River Rd., Weinbach and Wimberg

Tree Crew: Middle Mt. Vernon Rd., Boehne Camp Rd., Vienna Rd.

Patch Crew: River Rd., Oak Grove Rd., Fisher Rd., Delaware St. Bridge, Orchard Rd. and Red Bank Rd.

Built barricades, cleaned paver and distributor for storage.

Work Report/Bridge Crew: Also submitted for the same period was the work report for the Bridge Crew.....report received and filed.

Bridge Crew operated back-hoe on Old River Rd. loading truck.

Cut bleeders on Boonville-New Harmony Rd.

Cut tree limbs on bridge approach on Old Henderson Rd.

Installed culverts on St Joe Ave. and Laubscher Rd.

Rip-rapped around pipe on St. Joe Avenue and Laubscher.

Repaired guard rail on Water Works Rd. by Boat Dock.

Rip-rapped and repaired guard rail on Bayou Creek.

Cleaned out flow line in ditch on Seminary Rd.

Rip-rapped and repaired guard rail on #6 School Rd. by bridge.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Inspection of Old State Rd. R.R. Bridge: President Willner said he needs for Mr. Bethel to get with Mr. Easley immediately and make an inspection of Old State Rd. R.R. Bridge. There is a washing condition there on the southeast side that needs to be addressed. It is about a foot and a half from the pavement right now.

Old River Rd.: Commissioner Borries asked Mr. Bethel if the Old River Rd. is under water now? Mr. Bethel said it may be today. They had to close the gates on Weinbach this morning, and Old River Rd. could be under by now.

In response to query from Commissioner Willner, Mr. Bethel said they are still hauling rock but not to the extent they were. He is trying to repair the big holes which are in there now.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Woodward Place Subdivision Street Plans: Mr. Easley said the first item on his agenda concerns the street plans for Woodward Place Subdivision, which is under construction on the west side.

Jim Morley did the plans; the developer is Bob Moye. This is a small subdivision off Peerless Rd. Streets have curbs and gutters and are being paved with asphalt. He has checked the base. They have paved part of the road and, weather permitting, he thinks they are going to pave more of it yet this year. He is requesting that the roadway plans be approved. The culverts are in and it is all graded. He believes the Commissioners have already approved the drainage plans; but there are no major drainage problems. In response to query from Commissioner Willner, Mr. Easley said he is not asking the Commissioners to accept the street, just the street plans. The lots in the subdivision are all over one (1) acre.

Having spent several minutes perusing the street plans, Commissioner Willner entertained a motion.

Motion was made by Commissioner Borries that the street plans for Woodward Place Subdivision be approved, with stipulation that there be curbs and gutters and paved with asphalt and some modification -- if they are not going to have sewer, there will have to be some adjustment.....

Commissioner Willner asked if sidewalks have been waived?

Mr. Easley said the matter has not yet been addressed. The subdivision is over a mile outside the city and these are large lots.

Commissioner Borries said he would also stipulate that the requirement for sidewalks be waived.

A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Willner pointed out that the Commissioners are not waiving the requirement for curbs and gutters and they are assured that the streets will be asphalt, built according to county specifications.

Mr. Easley said he guesses the minutes will have to be checked with regard to drainage plan approval.

Progress Report re Boonville-New Harmony Rd. Extension: Mr. Easley submitted a progress report from Bernardin Lochmueller on the Boonville-New Harmony Rd. Extension project. The job is on schedule. If the Commissioners have any questions, he will be happy to try and answer them.

Claim/Bernardin-Lochmueller: A claim in the amount of \$2,581.15 to Bernardin-Lochmueller was presented for design work on Boonville-New Harmony Rd. Extension. Motion to approve claim was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

Preliminary Environmental Assessment Statement/Eichoff-Korressel Rd.: Mr. Easley said he and Mrs. Zigenfus have both received a copy of a Preliminary Environmental Assessment Statement on the Eichoff-Korressel Rd. If either Commissioner Willner or Commissioner Borries would like to review same, he will bring it down for their perusal if Mrs. Meeks will give him a call. He believes the Commissioners are aware of the discussions which have covered the two routes they have had under consideration.

RE: COUNTY CLERK - MONTHLY REPORT

Commissioner Willner presented monthly report from Clerk of the Circuit Court for period ending November 28, 1986.....report received and filed.

RE: BURDETTE PARK - FINANCIAL REPORT

The monthly financial report from Burdette Park for period thru November 30 1986 was submitted.....report received and filed.

It was noted that total income from 1/1/86 thru 11/30/86 was \$269,825.22, while total deficit through November 30 was \$217,448.25. Commissioner Willner said he wasn't certain, but he believes the total revenue reflected is an all-time record. He had wanted the deficit below \$200,000; but we have one month to go.

RE: ROAD & STREET SPECIFICATIONS

President Willner said that a meeting was held this afternoon at 2:00 p.m. concerning road and street specifications. They are working on a solution to the problem.

RE: EASEMENT FOR ROAD RIGHT-OF-WAY

President Willner asked that the record reflect that Mr. Easley submitted an easement for road right-of-way re Greenbriar Hills Section II/Old Petersburg Place Sub.

RE: SCHEDULED MEETINGS

Commissioner Borries said he will be attending a United Way meeting tomorrow at 4:00 p.m. He doesn't know how many members of the Hillcrest Children's Home committee members will be there, but, with Commissioner Willner's permission, he would like to thank them for the work they have done and write to each of them personally. (Commissioner Willner verbally agreed.) Commissioner Borries said that while it is hard to argue, he is a little dismayed by some comments made regarding the Commissioners' Report. He understands Mr. DeLucia has said there will be a tremendous amount of documentation and items to substantiate some of their points forthcoming. They have not yet completed all the work they had to do. It seems that when you ask volunteers to spend tremendous numbers of hours, it also gets a little discouraging if the work is criticized without offering any alternatives. Thus he is going to respond to one particular comment about that, because he thinks these people entered upon a huge task which has been a major problem to study. He is very grateful for what they have done and would like to express his appreciation at tomorrow's meeting. Commissioner Willner asked that he please do so.

RE: ACCEPTANCE OF CHECK

President Willner presented a check in the amount of \$81.00 from Small Claims. This is for insurance claim in which the individual who damaged county property was to repay \$81.00, and has done so. This claim resulted from a lawsuit by Vanderburgh County vs. Phillips Associates (Indianapolis). A motion was entertained.

Motion was made by Commissioner Borries that the check be accepted and endorsed for deposit in the County General Fund.

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

RE: CLAIMS

David L. Jones: A claim in the amount of \$512.15 for contractual litigation services rendered in connection with cases of JoAnn Reed/Mary Evans, Combs and Unfried and Condemnation/Foreclosures was presented. Motion to approve claim for payment was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: EMPLOYMENT CHANGES

Center Township Assessor (Appointments)

Jennifer Sue Yeley	Office Deputy	\$490.42/Pay	Eff: 12/15/86
Patricia Ann Altman	Office Deputy	\$490.42/Pay	Eff: 12/15/86

Center Township Assessor (Releases)

Deborah Lee Toon	P/T Deputy	\$35.00/Day	Eff: 12/12/86
Jennifer Sue Yeley	P/T Deputy	\$35.00/Day	Eff: 12/12/86
Joyce A. Fields	4th Deputy	\$490.42/Pay	Eff: 12/12/86
Ramona G. Plassmeyer	2nd Deputy	\$490.42/Pay	Eff: 12/12/86

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 10:00 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. L. Willner

Sam Humphrey

Curt John

COUNTY ENGINEER

COUNTY HIGHWAY

AREA PLAN

Andy Easley

Bill Bethel

B. Cunningham
B. Behme

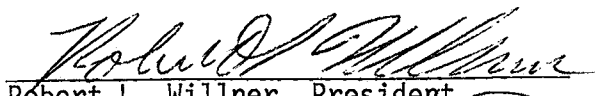
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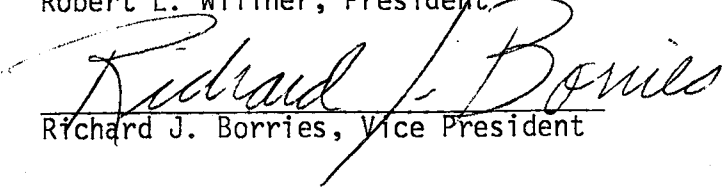
OTHER

Tom Dorsey

Les Shively, Atty.
Norm Meyer
Ben Cubbage, Atty.
Mr. & Mrs. Bruce Bemis
Brad Marman, Columbia-Sussex Corp.
Albert Lee
Stephen Weitzel, Atty.
Joe Halburnt
News Media
Others

SECRETARY: Joanne A. Matthews


Robert L. Willner, President


Richard J. Borries, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 22, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 22, 1986, in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who announced that Commissioner Cox is still on vacation.

With regard to approval of minutes of previous meeting (held on December 15th), President Willner said approval of the minutes will be deferred. Due to computer breakdown, the minutes are not yet available.

Commissioner Willner also introduced Miss Shirley Wells, a new secretary, and welcomed her to the meeting.

RE: AWARDING OF CONTRACT FOR GUARD RAIL

Commissioner Willner said that awarding of the contract for guard rail was deferred until this week. He asked if Tom Dorsey now has a recommendation? Mr. Dorsey stated that after further evaluation he looked at the unit cost for the insulation of the guard rail, including the post. He reviewed the bids submitted and on the bases of the insulation of the guard rail utilizing the posts, the offset brackets and the twelve gauge straight section of guard rail, M & W Concrete of Evansville, was the low bidder. It is his recommendation that the bid be awarded to M & W Concrete.

President Willner asked if there were any questions from the Commissioners? There being none, a motion was entertained. Commissioner Borries moved that the bid be awarded to M & W Concrete of Evansville, with a second from Commissioner Willner. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

President Willner said he just talked with Attorney Miller, who is in Warrick County courts in conjunction with Washington-Hillcrest suit. He will either be here or will be phoning the Commissioners later.

RE: RESTROOM FACILITIES - BURDETTE PARK

The Chair recognized Mr. Jack Kinkel, who stated he is present to speak on behalf of Mark Tuley, Manager of Burdette Park. Mr. Tuley was to be here today. However, he called and asked that Mr. Kinkel appear in his place, because he has laryngitis and had an appointment with the doctor this afternoon. Mr. Kinkel said they have had several meetings in an effort to figure out how to reduce the cost on the Burdette Park restroom facility. He read the following letter:

December 19, 1986

Mr. Mark Tuley
Burdette Park
P.O. Box 7081
Evansville, IN. 47712

RE: Restroom Facilities - Burdette Park

December 22, 1986

Dear Mr. Tuley:

Per your instructions, I have consulted with the four low bidders on the above referenced project. The purpose of our consultation was to negotiate the price down from my September 17, 1986, recommendation where total cost was \$43,035.44.

In our negotiations, we have made some minor changes to walls and changed the roof to a single pitch type; however, the drawings would have to be changed in order to award a contract.

At the present time, with the changes and negotiations, we are estimating the cost to not exceed \$36,000, including the Architect's fee.

I would recommend that if the above meets your approval, you have the County Commissioners authorize me to revise the drawings and specifications and prepare contracts to Mastercraft; Sandleben Plumbing; and Epley Electric Company.

If this meets with the Commissioners approval, please have them sign and return one copy to my attention.

Your very truly,

Jack H. Kinkel

Jack Kinkel stated that there are only three contractors, because in the process of negotiating the price down, we eliminated all the heating. And there were a couple of exhaust fans which were the only thing left for the heating contractors. So, Mastercraft (the general contractor) would put those in and the electrician would still wire them.

Mr. Kinkel said he really didn't know what would happen today, but he went ahead and made some revisions in the drawings, which he can present to the Commissioners at this time for their perusal. President Willner said this might not be necessary. He talked with Mark and with members of Council. He does have the \$36,000 in his budget right now; and he thinks it is the consensus of opinion that we should go ahead and do it. With the revisions, he guesses that we would have to winterize this ourselves (turning off the water and draining the thing) whereas previously this was automatic. Mr. Kinkel stated that this is correct. Commissioner Willner said he would like to go ahead and do this this year and a motion was entertained.

Motion was made by Commissioner Borries that the restroom facilities at Burdette Park be built for the budgeted amount of \$36,000 as per Architect Kinkel's recommendation. A second to the motion was provided by Commissioner Willner. So ordered.

President Willner asked that Mr. Kinkel let the contractors know that we are not in a big hurry, but we would like to have this installed for the upcoming season in 1987.

RE: REQUESTS TO TRAVEL

President Willner presented four travel request letters from the Township Assessors and the County Assessor (German, Knight, Pigeon, Center and the County Assessor). President Willner said they are asking permission to attend a State meeting on January 27, 28, 29, and 30th in Indianapolis. A motion was entertained. Commissioner Borries moved that the requests be approved, with a second from Commissioner Willner. So ordered. President Willner said there will be two or three additional requests (such as the County Auditor, etc.). It will not be necessary for those to be presented to the Commissioners, as these are State-called meetings. The travel request letters can just be submitted to the Secretary and she can stamp them approved. The immediate request letters were as follows:

December 15, 1986

Vanderburgh County Commissioners
Room 305 Civic Center Complex
Evansville, Indiana 47708

RE: Permission to Travel

Honorable Commissioners:

Please consider this request for travel to the Annual Assessor's Conference to be held in Indianapolis on the 28th, 29th and 30th of January, 1987 for the Knight Township Assessor and two deputies.

As per provisions of IC 6-1.1-35-3, the State Board of Tax Commissioners is calling this conference. The elected official and two deputies will be entitled to receive per diem of 24.00; actual lodging expense for each night preceding the date of attendance; and a mileage allowance of Twenty-five cents (25 cents) per mile necessarily traveled in going to and returning from the meeting. Mileage is allowable only if the claimant actually drove; it is not permissible if he or she rode with another person entitled to mileage.

Your favorable consideration will be appreciated.

Please contact me at your earliest convenience as to your decision.

Sincerely,

H. Jane Nicholson,
Assessor Knight Township

December 19, 1986

Vanderburgh County Board of Commissioners
Room 305 Civic Center Complex
Evansville, IN. 47708

RE: Travel Request

The purpose of this letter is to request permission for myself and two deputies to attend the instructional sessions January 27th thru January 30, 1987 in Indianapolis, Indiana, as requested by the State Board of Tax Commissioners.

A copy of the letter from the State is attached and is self-explanatory.

Thank you for your consideration in this matter.

Sincerely,

Robert T. Dorsey
Pigeon Township Assessor

COUNTY COMMISSIONERS
December 22, 1986
December 19, 1986

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TO: County Commissioners

RE: Travel Request

The German Township Assessor and two (2) Deputies will be traveling to the Annual Assessor's Convention in Indianapolis Jan. 28, 29, and 30, 1987. We will be turning in mileage and \$24.00 per diem each, plus actual lodging.

Thank You,

Gary W. Wagner
German Township Assessor

December 22, 1986

Honorable County Commissioners;

In accordance with your ruling on Travel Expense, I am requesting permission for myself and two deputies to attend the annual Assessor's Conference.

The conference this year is to be held in Indianapolis on January 27, 28, 29, and 30th of 1987.

I am requesting you pay Assessor and the two deputies per diem of \$24.00, actual lodging expense for each night preceding the date of attendance, and a mileage allowance of .25 (Twenty-five cents) per mile, necessarily traveled in going to and from the meetings.

Attached you will find a copy of the letter from the State Tax Board. Thank you.

Sincerely,

Alvin E. Stucki
Center Township Assessor

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period December 15th thru December 19th.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Buente Rd., Detroy Rd., Kasson Dr.
(City: Claremont and Werner)

Patch Crew: Marx, Harmony Rd., Groves, Denzer, Buente Rd.,
River Rd., Ridgeview, Woodland Lane, S. Weinbach

Tree Crew: Vienna Rd. and Marx Rd.

Trash: S. Weinbach, Bayou Creek, Lynn Rd. and River Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....received and filed.

- Cleaned up yard
- Installed culvert on Seminary Rd.
- Painted guard rails on Newburgh, Pollack and Seminary
- Repaired guard rail on Seminary Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Bethel. There were none.

Commissioner Willner said he guesses the snow equipment is ready to go and the salt bins full?

Mr. Bethel said this is correct.

County Road List for Upcoming Paving Season: Commissioner Willner suggested that Mr. Bethel start list of County Roads which will need resurfacing during the upcoming season.

Distribution of Sheriff's Vehicles: It was noted by President Willner that Mr. Bethel now has a couple of Sheriff's vehicles ready for distribution. He said he thought Mr. Bethel might leave one at the County Highway Department for the Commissioners' to use. And, he thinks that as soon as they're ready, one should be given to the County Engineer's department.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he has nothing which actually requires action on the part of the Commissioners today. However, he does have a question.

Additional Guard Rail for Burkhardt Rd.: Mr. Easley said he is in the process of verifying cost for additional guard rail for Burkhardt Rd. Do the Commissioners want to give some consideration to installation of guard rail north of Division, or just stick with area between Lincoln and Division? In response to query from Commissioner Borries, Mr. Easley said there is 1,800 ft. south of Division and approximately 1,400 ft. north of Division.

Commissioner Willner asked if the ditch on the northern portion isn't deeper than the ditch on the southern portion?

Mr. Easley said most of the ditch area is about 9 ft. deep. The southerly 200 ft. of the Crawford-Brandeis Ditch is really not the Crawford-Brandeis Ditch. It is the roadside ditch, which is only about 5 ft. deep. The Crawford-Brandeis ditch makes a turn and south of that turn the ditch is shallow. We probably have some 1,600 ft. of ditch some 9 ft. deep. (In one place, the ditch is almost 10 ft. deep.)

Commissioner Willner suggested that consideration be given to doing them both. As soon as Mr. Easley submits the cost estimate, the Commissioners can make a determination.

RE: APPOINTMENTS

Motion was made by Commissioner Borries that Mrs. Ruby Strickland (who was appointed to the Library Board in January 1983) be reappointed. She would then serve through 1990. Her record of attendance has been excellent. She obviously shows her involvement here in terms having attended the majority of meetings since 1983. A second to the motion was provided by Commissioner Willner. So ordered.

RE: HOLIDAY CLOSINGS

It was announced by President Willner that all County Offices will be closed December 24th and 25th in observance of the Christmas holiday. (He said he has had a lot of complaints that Friday, December 26th was not included.)

Commissioner Borries said this is always a problem when a holiday falls on a Thursday. But the secretary works very hard in terms of consistency -- and this is the best we could come up with this year.

Mr. Lindenschmidt noted that last year the County Employees worked on Monday, were off on Tuesday and Wednesday and returned to work on Thursday and Friday.

RE: BUILDING COMMISSION

Mr. Lindenschmidt said he has the following claims for Permit Refunds to be presented on behalf of the Building Commission:

Fallen Plumbing: Claim in the amount of \$41.00 for duplicated permit #5199V.

Roth & Roth Heating: Claim in the amount of \$26.00 as refund for overpayment on Permit Fee (#5232V).

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

Monthly Reports: Also submitted by Mr. Lindenschmidt were the monthly reports for period of November 1986.....reports received and filed.

RE: EMPLOYMENT CHANGES

Treasurer's Office (Releases)

Mary Jo Mooney	Part-Time	\$35.00/Day	Eff: 11/26/86
Marlene Brannon	Part-Time	\$35.00/Day	Eff: 11/17/86
Laural J. Martin	Part-Time	\$35.00/Day	Eff: 11/26/86
Mabel E. Winkler	Part-Time	\$35.00/Day	Eff: 11/26/86

Co-Op Extension Service (Releases)

Jane Jackson	Part-Time	\$35.00/Day	Eff: 12/31/86
R. C. Kimbrough, Jr.	Part-Time	\$35.00/Day	Eff: 12/31/86

Circuit Court (Appointments)

Rose Lai Chong	P.T. Intern	\$3.35/Hr.	Eff: 12/15/86
Lee Vandever	P.T. Intern	\$3.35/Hr.	Eff: 12/15/86
Tracy L. Thread	P. T. Bailiff	\$5.00/Hr.	Eff: 12/15/86

Circuit Court (Releases)

Lee Vandever	P.T. Intern	\$3.35/Hr.	Eff: 12/12/86
Tracy L. Thread	P.T. Intern	\$5.00/Hr.	Eff: 12/12/86

Circuit Court (Appointments)

Rose Lai Chong	P.T. Intern	\$3.35/Hr.	Eff: 12/15/86
Hugh B. Nichols	P.T. W/R	\$5.00/Hr.	Eff: 12/10/86

Circuit Court (Releases)

Johnnie Dupont	P.T. W/R	\$5.00/Hr.	Eff: 10/19/86
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(Note: The foregoing appointments/releases were switching from one account to another.)

December 22, 1986

RE: WASHINGTON-HILLCREST HOME REPORT

Commissioner Willner said the Board now has the complete and final report from the United Way Task Force concerning the Washington-Hillcrest Home. It will be on file in the Commissioners' office. He would ask that none of the copies leave the Commissioners' office; but anyone is certainly welcome to scrutinize, read or copy portions of the report. It is very interesting and very lengthy and very professionally done. The report consist of 95 pages and from what he has seen, it is a very good report.

RE: OLD BUSINESS

The Chair entertained further items of old business to come before the Board at this time. There were none.

RE: SCHEDULED MEETINGS

President Willner noted that County Council is currently in session.

December	23	5:00 p.m.	Christmas Party at Washington-Hillcrest Home
Jan.	7	6:00 p.m.	Area Plan Meeting

RE: HOLIDAY GREETINGS

President Willner said he would hope that all County Employees and those in the audience today would have a Happy Holiday Season and that the New Year will find all healthy, wealthy and wise.

The Commissioners are invited to a Christmas Party at the Washington-Hillcrest Children's Home tomorrow night at 5:00 p.m. Santa Claus will be there and presents and good cheer will be passed out to the Washington-Hillcrest residents. The Commissioners hope to make Washington-Hillcrest a better place to house our children in the coming years.

Commissioner Borries also extended warmest wishes for the Holiday Season and said he looks forward to 1987 as a year of real challenges.

Commissioner Willner announced that a Drainage Board Meeting will be held immediately subsequent to the Commissioners Meeting. He had telephone calls from Dr. Fenneman and Bill Wedeking, so he believes they plan to be present, as will Mr. Morley.

There being no further business to come before the Board at this time, President Willner declared the meeting adjourned at 3:15 p.m. and announced that there will be a ten (10) minute recess prior to the Drainage Board Meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	(Absent; in Court)
	R. J. Borries		
	S. J. Cox (Absent; on vacation)		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>PURCHASING</u>
	Bill Bethel	Andy Easley	Tom Dorsey
	<u>OTHER</u>		
	Jack Kinkel/Architect		
	Jim Lindenschmidt		
	News Media		

COUNTY COMMISSIONERS
December 22, 1986

Page 8

SECRETARY: Joanne A. Matthews

MINUTES
COUNTY COMMISSIONERS MEETING
RECONVENED SESSION
DECEMBER 22, 1986

At 3:45 p.m. on Monday, December 22, 1986, President Willner called the reconvened session of the Commissioners Meeting to order for purposes of hearing a report from County Attorney David Miller regarding the Hillcrest-Washington Home matter.

Attorney Miller said the minutes should reflect that with regard to the lawsuit between the County and Mr. Haton, the State Department of Public Welfare and the Vanderburgh County Department of Public Welfare regarding the Directorship of the Hillcrest-Washington Children's Home, he now knows more history than he ever cared to know. He can send the Board a large batch of documents, including newspaper articles, copies of excerpts from the history of the City of Evansville; and he even knows when we had our first orphanage.

Continuing, Attorney Miller said that Judge Campbell recognized the time constraints we're under and if at all possible he will rule within a week. Therefore, he expects Judge Campbell to rule when he is off in Michigan visiting his parents. Probably, the counsel for Mr. Haton will be the first to know. Attorney Miller will arrange to get word to the Commissioners as soon as any word is handed down.

There have been a couple of other developments this week.

RE: SEX DISCRIMINATION CLAIM: First of all, there has been a new charge of sex discrimination alleged by Beverly Nance against the Vanderburgh County Treasurer's office. Attorney Miller requests authority to have his Labor/Law folks appear and defend that matter on behalf of the county.

Commissioner Willner said, "I presume we must either defend that or give in and pay Ms. Nance."

Attorney Miller said that first of all, they will initiate an investigation, as they have done in the other actions filed in conjunction with that office. There appear to be two or three employees who were jointly dissatisfied and their claims are coming in a series; this is the second claim at this time.

The Chair entertained a motion.

Motion was made by Commissioner Borries that the case be assigned to County Attorney Miller to conclusion, with a second from Commissioner Willner. So ordered.

RE: DEDICATION OF RIGHT-OF-WAY/VOGEL RD.

With respect to Dedication of Right-of-Way for Vogel Rd. east of Green River Rd., Attorney Miller said he has been in frequent contact with Kyman Harp (an attorney in Chicago), whom he believes is the son of Earl Harp, the owner of the subject ground. The principal concerns voiced concerning the previous proposals for the dedication of right-of-way were that Mr. Harp has continuously insisted that he have some kind of right to designate some curb cuts along the northern side of this right-of-way. It is obviously in the county's interest to have this road dedicated rather than having to condemn it. There are large dollar considerations in that particular area in any kind

of eminent domain proceeding, because property out there sometimes goes for upwards of \$100,000 per acre and we don't want to be buying that kind of stuff for streets. On the other hand, we were insisting that there be some control over the location of these curb cuts in order to protect against traffic hazards and simply bad placement for whatever reason. After several discussions with Mr. Harp and the attorney, we agreed that he would include language that would give Mr. Harp the right to place four (4) additional curb cuts along the road, provided that he still must comply with all applicable laws and ordinances of general application in this county. One of those is that the Commissioners must approve curb cuts on county roads. Secondly, that the location, width and construction specifications of all those curb cuts would comply with all rules, regulations and requirements which are now or hereafter promulgated, declared or imposed by the Indiana Department of Highways or any successor. The Indiana Department of Highways does not have jurisdiction over our roads, but they have policies that are declared with respect to curb cuts and where they should and should not be and how close they should be. The intent of this provision is to require that the locations of these curb cuts not be out of sync with those guidelines that are established from time to time by the Indiana Department of Highways.

There is some desire to get this done before the end of the year for considerations personal to Mr. Harp. Attorney Miller said he believes that this dedication (although not exactly what he would recommend if he were going to write it) is satisfactory for our purposes and it is his recommendation that the Board accept same. If the Commissioners do accept it, there is a federal tax form whereby the Commissioners acknowledge that this was a gift to the county, so he can take the deduction he is entitled to and he asks that the Commissioners sign same. And that is the consideration personal to Mr. Harp.

In summarizing, Commissioner Willner stated, "Mr. Harp is going to donate the property and build the street. For a consideration of four (4) curb cuts in how many block area?"

Attorney Miller responded, "1,360 ft.".

In response to query from Commissioner Willner, Mr. Easley said that downtown blocks are 300 ft.

Commissioner Willner said, "In other words, in four (4) city blocks we want four (4) curb cuts, is that correct?"

Mrs. Barbara Cunningham of Area Plan made reference to county ordinance.

Attorney Miller interjected that there is a provision that he has to comply with all applicable laws, etc.

Commissioner Willner continued, "In 1,300 ft. or approximately four (4) city block area there will be four (4) curb cuts, period -- standard size.

Mrs. Cunningham said Mr. Harp would have to meet Site Review Committee recommendation on where and what.

Commissioner Borries read, "Curb cuts and/or road cuts shall comply in every respect with all applicable rules, regulations and requirements now or hereafter lawfully promulgated."

Following one or two comments by Mrs. Cunningham, Attorney Miller stated, "The Indiana Department of Highway guidelines will, therefore, be your guidelines and you will be able to impose those guidelines. That is the idea. But they will still be subject to all laws and general application."

Motion was made by Commissioner Borries that the dedication of right-of-way for Vogel Road be approved, with a second from Commissioner Willner. So ordered.

RE: APPOINTMENTS

Commissioner Willner read the following letter from County Assessor James Angermeier:

December 15, 1986

To: Robert Willner, President
Board of Commissioners

Would greatly appreciate your consideration for the appointment of Mr. Paul Batts and Mr. William Browning for the 1987 Board of Review for Vanderburgh County.

The above mentioned are the same two people who served very adequately in 1986.

Motion to approve the foregoing appointments was made by Commissioner Borries, with a second from Commissioner Willner. So ordered.

RE: FINANCIAL STATEMENTS - EARPC

Commissioner Willner asked that the record reflect that the Financial Statements dated June 30, 1986 for the Evansville Association for Retarded Citizens, Inc. has been received from Umbach And Vowells.....report received and filed.

RE: BOEHNE CAMP ROAD APARTMENT PROJECT

Mr. James Morley had entered the meeting. President Willner advised that the Drainage Board Meeting has already adjourned and the Commissioners are in a reconvened session.

Mr. Morley said he doesn't have anything which requires approval, he just has a question.

Mr. Paul Neville has been trying to tie down all the loose ends for the development of an apartment complex on the Boehne Camp Road. This is the same area that Paul Bitz was working on developing some years ago -- right out Highway 62. The area has a drainage basin which comes down into Schmadel's lake on Red Bank Rd. Mr. Neville asked Mr. Morley to take a look at how much drainage was on there. He did not want to detain any water on the side. Mr. Morley presented drainage data to Bill Jeffers in the Surveyor's Office. He said he felt that they should. If they do, there are two places where they can. There is a 42" pipe under the highway. If they retain any, they drop down to 21 cfs. On the north basin, 23 cfs is the runoff from the 25 year design storm and it would go up to 36 cfs; thus, there would be an increase of 13 cfs, which is the equivalent of a 15" pipe. On the south basis (the part going underneath Highway 62) there is 31 cfs there right now and that would go up to 53 cfs, a net increase of 22-1/2 cfs. Mr. Morley said he is in the middle. The developer doesn't want to do it and Mr. Jeffers thinks they should.

Commissioner Willner said, "I'm going with a retention basin; that is the way I feel about it. Even in the north where we think we don't have a problem people -- I think we've got to be consistent. I'm sorry."

Mr. Morley said he is merely presenting the matter to the Board -- and that is the answer he wants. He has no objection to the Board's decision. But now they can proceed.

Mr. Morley said that about six months ago questions came up on road standards. Ms. Cunningham chairs the Subdivision Review Committee monthly. They were looking at design standards, etc., and as the Commissioners know, they are operating under a single blueprint from the county. About six months ago and told the

Review Committee that he would volunteer to help gather some data and work with County Engineer Andy Easley. He and Mr. Easley have met a couple of times on pulling things together. While Mr. Morley's rough draft has not been typed, he took the county blueprint standards (we leave some things out; we don't talk about acceleration/deceleration lanes, sight distance we should have, we don't talk about soft soil -- the standard of 6" concrete might not apply if the soil was bad. We don't talk about some of those things. So they worked on putting together which perhaps the Commissioners could consider adopting and say these are Vanderburgh County Road Standards. This covers things we do not cover at this time. Mrs. Cunningham thought he should let the Board know that the Review Committee had asked for this a long time ago and that he had volunteered and he and Mr. Easley have met. They just want the Board to be aware that some work is being done. Hopefully, whenever they are finished they will pass this around so everybody will have a chance to have some input and get the Commissioners' input as to what they want to see on standards. He thinks that maybe at some point in time when this is typed up, they may want to sit down in a separate session and see what is being talked about. In other words, time to review it, think about it and see what the alternatives or consequences are of making one decision or another.

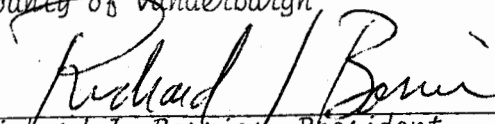
Mrs. Cunningham stated that Messrs. Easley and Morley have done a lot of work on this.

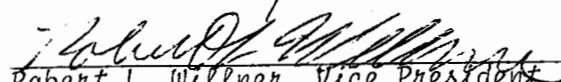
Commissioner Willner asked if the typed draft would be ready in a month? At that time, they will give copies to everyone concerned and ask them to read it. No problem. There being no further business to come before the Board at this time, Commissioner Willner declared the meeting adjourned at 4:05 p.m.

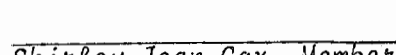
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey	David V. Miller
	R. J. Borries	(Chief Deputy)	
	S. J. Cox (Absent; on vacation)		
	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>	<u>OTHER</u>
	A. Easley	B. Cunningham	J. Morley

SECRETARY: Recorded by Shirley Wells
Transcribed by Joanne A. Matthews

Board of Commissioners of the
County of Vanderburgh


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
DECEMBER 29, 1986

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, December 29, 1986 in the Commissioners Hearing Room, with President Robert Willner presiding.

The meeting was called to order by President Willner, who subsequently entertained a motion concerning approval of the minutes of meeting held on December 15, 1986.

Motion was made by Commissioner Borries that the minutes of December 15, 1986, be approved as engrossed by the County Auditor and the reading of same be waived with a second from Commissioner Willner. So ordered.

RE: POOR RELIEF - PIGEON TOWNSHIP

Kristine Guest/813 S.E. Sixth Street: President Willner called the name of applicant three (3) times and there was no response. President Willner asked that the record reflect that the applicant did not show.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage Employees: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period December 22 thru December 26, 1986.....report received and filed.

Attached to the Work Report was the following Work Schedule:

Gradall: Mesker Park Drive, Outer Darmstadt

Patched: River Rd., Baumgart, Petersburg Rd., Millersburg Rd., Broadway and Rosenberger.

Trash: St. Joseph Ave., Diamond Ave., River Rd., Lynn Rd., S. Weinbach, Bayou Creek.

Tree Crew: Boehne Camp Rd.

Hauled sand to yard.

It was noted by Mr. Bethel that last week was slow, because they only worked three (3) days.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the bridge crew....report received and filed.

The Bridge Crew installed culvert on Seminary and Cypress-Dale.

Painted guard rails on St. Joe Avenue, Boonville-New Harmony and Darmstadt Rds.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew....reports received and filed.

County Road Signs: President Willner requested that Mr. Bethel, the road inspector and one of the bridge crew members look at the signs that are down or incorrect. He knows we still have some one-lane bridge signs where it should read two lanes. There are

still some bridge signs where there are no bridges at all. We just need to go over the county thoroughly and bring our signs back up to date. There have been some accidents and some farm equipment has knocked some of the signs down, etc.

River Rd.: Commissioner Willner said he wished Mr. Bethel would get out to River Rd. -- it is in pretty bad shape. Mr. Bethel noted that they had picked up trash and patched on River Rd. He put down hot mix and rolled it in. Commissioner Willner asked that Mr. Bethel stay on this and see that it gets taken care of.

Pollack Avenue: Commissioner Borries said we may want to look at Pollack Avenue past the City Limits as you go east, where we installed the guard rail. There are a couple of spots he wishes Mr. Bethel would look at, just from the standpoint of making sure we don't have any chuck holes or anything like that which would cause autos to swerve. He'd appreciate any help Mr. Bethel can give him with regard to Pollack Avenue.

RE: APPOINTMENTS

It was noted there is one appointment to be made today and that is the Commission's representative on the Area Plan Commission.

Motion was made by Commissioner Borries that Commissioner Robert Willner be appointed to represent the Commission on the Area Plan Commission for calendar year 1987, with a second from Commissioner Willner. So ordered.

Commissioner Willner commented that he had told Mrs. Cunningham that he was checking the State Statutes to determine if there is some way he could delegate this responsibility. She advised that she had already checked them and there is no way.

RE: POOR RELIEF - PIGEON TOWNSHIP

Ms. Kristine Guest, poor relief applicant from Pigeon Township, arrived at 2:40 p.m. Commissioner Borries advised that the Commissioners began their meeting right on schedule and poor relief applicants are usually scheduled early on the agenda. In response to query from the Commissioners, Ms. Guest said the letter from the Trustee's office was dated November 12th, but she moved and did not receive the letter until December 17th. Since Mr. Bill Goff had already left the meeting when Ms. Guest did not arrive earlier, Commissioner Willner requested that Mr. Lindenschmidt call to see whether Mr. Goff can return to the meeting.

RE: ENCROACHMENT PERMIT FOR RESIDENTIAL PARKING IN WINDSONG SUBDIVISION

The meeting resumed with President Willner reading the following letter from Mr. James Q. Morley of Morley & Associates:

December 24, 1986

Vanderburgh County Commissioners
City-County Building
Evansville, IN 47708

Re: Encroachment Permit for Residential Parking
in Windsong Subdivision

Dear Commissioners:

Jagoe Homes is planning a 119 unit development in Indian Woods. The project will consist of single family zero lot line homes. The developer is requesting an encroachment permit from Vanderburgh County to construct for each lot one two car concrete parking pad partially on the public road right-of-way. The 18' x 18' designated parking area will

extend 6.5 feet onto a 50' right-of-way and 1.5 feet onto a 40' right-of-way. The road side edge of the designated parking area will be completely behind the 4' wide sidewalk. Residents will enter the designated parking area via an 18' wide driveway directly from the roadway.

Enclosed are 8-1/2 x 11 plan drawings of the encroachment.

If you need additional information, please contact me.

Sincerely,

James Q. Morley

cc: Mr. Bill Jagoe

Commissioner Willner queried Attorney Curt John, asking that if we decide to let Morley encroach with parking areas on our right-of-way, what happens to our insurance? We are liable are we not?

Attorney John said he would assume that we might be secondarily liable, but he can check into this.

Commissioner Willner said we might even be primarily liable. He doesn't like the idea.

Commissioner Borries said he is not certain the Board can act on this today. Not only because of the question raised by Commissioner Willner, but we have not reconsidered this rezoning. The original PUD is the one in Indian Woods that was voluntarily annexed into the City. There was a rezoning before the Board in December which was delayed for one month. What he is saying is, if this is in the part that has not been developed in the original PUD, that is in the City and the Commissioners wouldn't have any jurisdiction on that one anyway. He is not certain where this is.

Commissioner Willner said "It is bound to be in the County or it wouldn't be here, right?"

Mr. Morley entered the meeting. Commissioner Willner said the zoning hasn't passed. Mr. Morley is just here for planning purposes. He asked Mr. Morley if the Indian Woods zoning has been granted? Mr. Morley responded in the affirmative. Commissioner Borries asked which Indian Woods this is? Mr. Morley responded, "The original". Commissioner Borries said that is in the City. Mr. Morley remarked, "No, not all of it. At least this is his understanding of the boundaries. The part around the lake and where the apartments are is in the city. But not the part east of Shoshoni Drive.

Commissioner Borries asked if the one retention lake behind where they are building the homes is in the county or the city?

Mr. Morley responded, "In the city."

Commissioner Borries asked if the one group of apartments along the east side of Shoshoni Drive is in the city?

Mr. Morley responded, "Yes; yes. At least that is the way I understand the boundaries. An attorney took care of that."

Commissioner Borries said he brought the question up because there was some discussion which Commissioner Willner will talk with him about concerning the right-of-way. But he has a question as to whether we consider that part of the proposed rezoning or whether this is existing zoning?

Mr. Morley said, "Existing; at least that is my understanding. But we'll need to clarify that."

The meeting continued with Mr. Morley showing drawings to the Commissioners of Windsong in Owensboro KY, saying this is exactly what he is talking about. At the model home, he doesn't have a parking space in front. They did some extensive landscaping. Mr. Morley then showed drawings of the sales units. He said these units are zero set back homes; they are zero on one side of the lot and they have off street parking in front of the homesite, just as down in Parkside Terrace -- only these are parking spaces in front of every unit off street.. They have a 30 ft. wide street, a 4' wide sidewalk and beyond that is the driveway. There is no garage. The parking pad is 18 ft. in length. However, there is a space of right-of-way behind the sidewalk of 6-1/2' on part of them and 1-1/2' on the other one. What he is doing here is requesting to count the 18' from the point where he completely clears all the improvements -- the sidewalk and everything else -- in other words, go 18' past that point. In other words, use the back of the sidewalk as the controlling criteria that he should clear all of the facilities (the street and the sidewalk) and then start at that point and measure 18' for the parking space. Theoretically, if someone is home on a parking space, a full-size car could have the bumper hanging over the right-of-way line. Because we are only going 18', Barbara's feeling was that technically that is an encroachment, because you are parking there and not just driving across. Now it is quite true that many people would park at this same location anyway and nothing would ever be said about it. That is because as long as they clear the sidewalk. But he just wants to clear the air and be sure that everything is satisfactory with everyone. As can be seen, once he clears the sidewalk he is not anxious to go any further than he has to -- because it would cut into what he could landscape in front of the house. So this is the question and this is what he is talking about -- the right to count the 18' from the back of the sidewalk.

Commissioner Borries said, "We have a question on the insurance angle -- on the liability part."

Mr. John said he knows a sidewalk is going to be required and we have the authority to make sure same is maintained. But he doesn't now what kind of authority we have to make sure driveway or parking area is maintained, what the liability would be if someone got injured within that right-of-way.

Mr. Morley said that every driveway off any street is exactly the same situation as far as liability. In other words, normally you don't specify the thickness of concrete or anything else on private drives all the way to the right-of-way line. You end your jurisdiction insofar as telling the homeowner what the finish is, what the thickness of concrete is, or anything else -- at the curb line.

Commissioner Willner asked, "Why does he have to have 50 ft. and then we allow an encroachment? It just doesn't make sense. We ought to take 40 ft. then and give him 10 ft. back. He doesn't care if he uses it; but to give him the right to, he doesn't think the Commissioners should. What if we wanted to widen the street or put down easements?

Mr. Morley said we already have easements, that is why they have the 50 ft. right-of-way. "They have a specified street, a sidewalk, and 6-1/2' more. It will have telephone cables in it; conduit -- and they are there. Nothing we are doing here changes their right to be there. The driveway is going to be here anyway. The question is -- what he is trying to do is not go so close to the front of the house, but to clear the sidewalk."

The meeting continued with Mr. Morley making a lengthy explanation and throwing thoughts out for consideration.

County Engineer Andy Easley remarked, "I think some encroachment permits that the Commissioners have granted to commercial facilities have been called irrevocable. He thinks we had one in front of Kight Lumber and a hardware store on Old Boonville Highway.

Mr. Borries asked, "Who would be responsible for the maintenance of concrete in that right-of-way?"

Mr. Morley responded, "The homeowner; he is responsible all the way out to the street anyway. Technically, the homeowner has the responsibility for the sidewalk and the driveway."

In response to query from Commissioner Borries, Mr. Morley said that nothing the county does changes the paving that he's talking about. He's talking about how far beyond. No matter what decision the Commissioners make, the designated area is paved.

Mr. Easley said we're talking about the area where the rear bumper of the auto will be when an individual is parked relative to the sidewalk.

In response to query from Commissioner Willner, Mr. Morley said that each individual house has a two-car parking space.

Commissioner Willner asked, "And everybody backs into the street?"

Mr. Morley said this is correct; they do that everywhere else. The only difference here is that there is no garage. This is no different from any other subdivision. Since we have eliminated alleys, everybody backs into the street. This is a residential street. It is not a thru street. This is a side street. One is a cul-de-sac and the other is a loop. It goes in, turns around and comes back. So no one is ever going to widen it.

Commissioner Willner asked, "Why did we have to have 50 ft. to start with then?"

Mr. Morley responded, "Because the ordinance says that if it does not end in a cul-de-sac, you must have 50 ft. In response to comment by Commissioner Willner, he said that one street is a short loop that comes up and has a turnaround in it; the other one loops around and comes back out. The first one is a 40 ft. right-of-way and the second has a 50 ft. right-of-way. But they are residential streets and the subdivision plat says 50 ft. on residential street unless they are cul-de-sac and then right-of-way may be 40 ft."

Mr. Easley said he thinks Mr. Morley's proposal to get them another 1-1/2 ft. away (if the Commissioners are inclined to approve it) is the way he would go. Make it 19-1/2' from the back of the sidewalk.....20 ft. parking spaces used to be standard; then it went to 19 ft. Then it went to 18 ft. There are very few Lincolns still running around -- but there are a few of those. When he pulls in there, if he gets his front bumper where it is supposed to be, with luck he won't have his back bumper over the sidewalk -- if it's 19-1/2 ft. The trend to smaller lots and zero lot lines -- this is a definite trend to try to keep the cost of housing down -- and it is something that if people are willing to buy without a garage or carport, it will preserve him some landscaping (some grass) between the slab and the building.

Commissioner Willner asked, "Why didn't we start back a little further then?"

Mr. Morley stated, "Because you have a setback ordinance and he is back all the way."

Mr. Easley said they ought to think of making the lots a little deeper.

Mr. Morley said that everytime you turn around and go in that direction you run the cost back up, which defeats the purpose of why you're doing zero setbacks to begin with. This is a very nice looking development. They are trying to do a nice development on small lots and then market them at a price that gives people a lot of house for the money and a minimal yard.

Commissioner Borries asked if they would be agreeable to the irrevocable clause suggested by Mr. Easley?

Mr. Morley said he sure they would be. It would mean tearing out the landscaping up next to the house; but he could physically do that. He physically could move it forward if there would be any reason that we needed the right-of-way for widening. There is no reason this couldn't be put into that insofar as irrevocable use. He would have to add a piece onto the apron and take out some of that landscaping. So we could make it irrevocable. But the developer and Mr. Morley both know that we'll never need it for street.

Commissioner Willner said he really doesn't like it. In the first place, he doesn't like to see two pads going all the way out to the street. What we asked on Boonville Highway was that they put one house with the driveway on the right side and the next one to it with a driveway on the left side, so we have two homes with one driveway. What we have here is a mess. There are four cars in there. Without cars, it looks pretty. When you get cars in there, it will be a mess.

Mr. Morley pointed out that the streets are wide; there could be someone parked along the street.

Commissioner Willner said, "That's exactly right -- and that makes it worse."

Mr. Morley said it is no different from any other subdivision. Every subdivision has...

Mr. Willner said what they ought to do is give them one driveway here -- and one curb cut for both cars. Only one curb cut is needed. Each one of the driveways on the plans has two curb cuts.

Mr. Morley said that every driveway is double. He's never seen a double driveway that didn't have two curb cuts. Every double driveway goes straight out to the street; he doesn't know of any that are different.

Commissioner Willner said he doesn't have any big problems with this; but it is not a good idea. He doesn't like to give part of the driveway away; but he will go with the revocable -- nothing permanent. Can Mr. Morley provide the county with a Hold Harmless letter? He said to Attorney John, "We're giving him permission to park there, what does that do to us? Nothing?"

Mr. Easley said a hypothetical situation -- we have a conventional subdivision and they have a double garage. Say they have company for parties and they pull two cars in front of the garage -- and two cars pull in behind those cars. Say they are overhanging the sidewalk and somebody is walking and bumped his knee. He would not normally come after the county. Would he go after the people who parked over the sidewalk?

Attorney John said the County would probably be named in the suit; however, he would say the person primarily responsible would be the person parking there.

Mr. Easley said he thinks the situation happens quite often where people have guests and they park behind one another and hang out over the sidewalk.

Attorney John said the county is not extending permission to hang out over the sidewalk anyhow....

Mr. Morley said "That is correct; and that is not what is being requested."

Commissioner Willner said, "But that is what will happen."

Mr. Morley said, "Well, maybe not, Bob. The length here at 18-1/2 ft. or 19-1/2 ft. is very clearly one car depth. There is no way they could not put a second car -- it couldn't happen. Under this arrangement there is no way anybody could try to pull in. The only way you could get in would be to.....

The Chair entertained a motion.

Motion was made by Commissioner Borries that the request be granted, including the idea that the owner would realize that this is a revocable granting, and extending the pad to 19-1/2 ft. in length -- which makes it uniform on both streets.

Mr. Morley said this eliminates the need for an encroachment permit on the cul-de-sac and makes the straightaway consistent.

A second to the motion was provided by Commissioner Willner. So ordered.

RE: POOR RELIEF - PIGEON TOWNSHIP

Kristine Guest: The Chair recognized poor relief applicant Kristine Guest and asked if she would state again what date she received the letter from the Trustee?

Ms. Guest said the letter is dated November 12th and the postmark is dated December 16th. She moved. She called Mr. Goff and he said he couldn't approve her request or he'd have to do it for everybody. But it wasn't her fault. Had she known, she could have come down. But she didn't know until she received the letter.

Commissioner Willner asked if Ms. Guest is eligible to receive schoolbook assistance?

Mr. Goff said she is; that is no problem. The problem is that they mailed out the letters, giving all applicants 21 working days to respond. This was in excess of the 21 days. The deadline for returning applications was December 15th.

In response to query from Commissioner Willner, Ms. Guest said she got off from work at 6:00 p.m. and picked up the letter out of her mailbox. She had final exams the following day. She came down here immediately after her exams.

Mr. Goff said he mailed out 773 letters and only 420 were returned.

Commissioner Willner said it took one month and four days for the notice to reach Ms. Guest. It had been rerouted by the Post Office.

Commissioner Willner said he believes the Trustee's office is consistent; by the same token, he doesn't know if the Commissioners can hold Ms. Guest completely responsible because it may not be her fault -- the problem seems to be with the U.S. mail. Maybe the letter was caught up in the Christmas rush.

Commissioner Borries said the records indicate here that Ms. Guest is not at fault.

Commissioner Willner entertained a motion.

Motion was made by Commissioner Borries that the request for schoolbook assistance be granted if Ms. Guest meets the requirements, with a second from Commissioner Willner. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he has nothing today which requires action on the part of the Commissioners.

Commissioner Borries said he believes Mr. Easley is working on an estimate re guard rail on Burkhardt Rd.

Mr. Easley said he just received a figure about an hour ago. They need to wind up the estimate and he will bring it to the Commissioners' office.

Commissioner Willner said SIGECO was supposed to give us a price on the poles.

Mr. Lindenschmidt said they talked with Mr. Bob Gulick about this the other day when he was in, and he didn't have anything yet; just that they need to get on it right away.

RE: OLD BUSINESS

The Chair entertained matters of old business to come before the Board at this time.

Commissioner Borries said he doesn't know whether it is old business or not, but he would certainly want to thank Commissioner Willner for his two years of service as President of the Commission. In his opinion, Commissioner Willner has done a fine job -- coming through a tough election campaign. He thinks our county is in fine financial shape. Commissioner Willner watched the roads very closely. We had an excellent year with road paving and the road program in 1986. We have seen improvements at Burdette Park during Commissioner Willner's term -- and we're on our way to making needed improvements at Vanderburgh Auditorium -- if we can ever get the arms fixed at the parking lot. He just wants to tell Commissioner Willner that all of his work is appreciated. He knows he has been sincere. He is a hard-working person and has a lot of common sense -- and that means a lot to this county, because this county is better off for the years Commissioner Willner has been President of the Commission.

Commissioner Willner expressed his thanks for Commissioner Borries' comments and said he thinks it has been a good year and he guesses the Commission has finished another year without any big scandals -- no money missing. It seems as though in government today, that is something.

Commissioner Borries said he thinks we're seeing a lot of growth in the County. There are always problems associated with growth as everyone wants everything right now and all of those things can't be delivered. But we are growing, as can be seen from the assessed valuations and he thinks this is a tribute. He is concerned about the loss of jobs. He reads with dismay in the papers that in Mexico -- with fringe benefits -- workers are working for less than \$1.00 per hour. Excluding fringe benefits, we are losing jobs in this community of \$7.70 per hour or more and that is an urgent need in the county and the city. We're going to have to fight for every job we have -- and that is a major concern. But he thinks during Commissioner Willner's tenure the economy has been good and is growing and, hopefully, we'll have enough of a tax base for people to want to live here and keep things going.

Commissioner Willner said we have made 1987 "Economic Development Year" and he is passing that on to Commissioner Borries, because when you start out with a major company moving to Mexico from the

city (some 1,300 jobs we're in the hole already before Commissioner Borries takes office the first day) it is frightening -- it is sickening. The only thing that comes to mind is the situation with Lionel Train. (He always wanted a train from the time he was six years old -- and he never did get one. He thought that someday when he retired he'd just go out and buy himself one) But what happened to Lionel Train, they moved to Mexico and the labor was so horrible that they weren't getting through the holiday season with one of their \$200 or \$300 trains. It was shipped back to the factory and people were wanting their money back. This almost broke them. The company almost went bankrupt. Now they have sold their plant in Mexico and moved back to the United States and are on the road to recovery. Commissioner Willner stated, "I hope the hell that happens to Zenith -- pardon my French".

Commissioner Borries said that American productivity is up -- and he shares Commissioner Willner's concerns. He thinks we're going to see American workers regain -- and that is a major concern.

RE: SCHEDULED MEETINGS

Wed. Jan 7 Area Plan Commission Mtg.

RE: HOLIDAY CLOSING

Commissioner Willner announced that all County offices will be closed on Wednesday, December 31st and Thursday, January 1st in observance of the New Year. Along with the rest of the County candidates, he will be sworn in at 10:00 a.m. in Council Chambers on January 1, 1987 by Judge Miller.

RE: CLAIMS

There are no claims to be presented

RE: EMPLOYMENT CHANGES

County Auditor's Office (Releases)

Georgia Benson	Posting Supv.	\$13,551/Yr.	1/1/87
(Six weeks Leave of Absence, with insurance -- to be reimbursed by employee)			

County Clerk (Releases)

Dorothy Cole	Deputy Clerk	\$13,440/Yr.	1/1/87
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County Clerk (Appointments)

Linda Schiff	Deputy Clerk	\$13,440/Yr.	1/1/87
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Mr. Richard Lythgoe was present in the audience and Commissioner Willner asked if he had any comments.

Mr. Lythgoe said the encroachment by the City has an adverse effect on employment in this County. If there is City-County consolidation, we can just kiss employment goodbye. We should have a number of sites in the County protected from the encroachment of the high City taxation.

Commissioner Willner commented, "Those are your words of wisdom for today -- and that is not too bad.

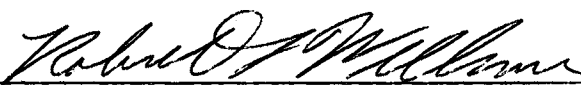
It was noted by Commissioner Borries that we might have to add that to our "How To" list. He read where the Reagan administration has a "How To" list to send jobs to foreign countries. We need a "How To" to get them to Vanderburgh County.

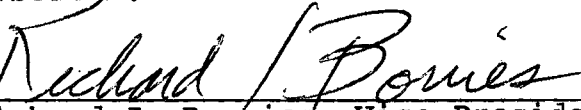
Commissioner Willner said President Reagan said the newspaper was full of job ads; -- but getting a way overseas is hard to do.

There being no further business to come before the Board,
Commissioner Willner wished everyone a Happy New Year and
declared the meeting adjourned at 3:25 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. L. Willner	Sam Humphrey,	Curt John
	R. J. Borries	Chief Deputy	
	S. J. Cox (Absent; on vacation)		
	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>	<u>OTHER</u>
	Andy Easley	Bill Bethel	James Morley
			Bill Goff
			Kristine Guest
			Richard Lythgoe
			News Media

SECRETARY: Joanne A. Matthews


Robert L. Willner President


Richard J. Borries, Vice President

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 5, 1987

The Vanderburgh County Board of Commissioners met in session at 2:40 p.m. on Monday, January 5, 1987, in the Commissioners Hearing Room with President Robert Willner presiding.

The meeting was called to order by President Willner. Since it was the first meeting of the month, Sheriff Shepard opened the meeting by declaring the Board in session pursuant to adjournment.

RE: RESOLUTION RE MEETING DATES FOR BOARD OF COMMISSIONERS AND THE DRAINAGE BOARD

The meeting continued with President Willner reading the following Resolution prepared by the Commissioners:

"In accordance with the Indiana Open Meetings Law (IC 5-14-1.5-1, 5-14-1.5-7, P. L. 57 and P.L. 39), notice is hereby given that IT IS HEREBY RESOLVED THAT the regular meetings of the County Commissioners will be held on the First, Second and Fourth Mondays at 2:30 p.m. in Room 307, Civic Center Complex, and on the Third Mondays at 7:30 p.m. (at which time all rezonings are heard).

If a Monday happens to be a holiday, the Commissioners meeting will be held on the following business day at the same time, as scheduled.

Notification will be given if any emergency meetings or Executive Sessions are to be held and were not so announced in previous meeting.

Regular Drainage Board meetings will be held on the Fourth Monday of each month following the regular Commissioners meeting. If an additional meeting is to be held and wasn't so announced in previous meeting, notification will be given."

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

Continuing, Commissioner Willner said there is a copy of the County Holiday Schedule in the Commissioners Office. Anyone with questions regarding the foregoing information or those who want copy of Holiday Schedule should talk to Margie Meeks in the Commissioners' office.

RE: REORGANIZATION OF BOARD OF COMMISSIONERS & DRAINAGE BOARD

President Willner said the next item on the agenda is the reorganization of the Board of Commissioners. He would like to step down and nominate Richard J. Borries to serve as President of the Board of Commissioners for 1987. A second to the motion was provided by Commissioner Borries. So ordered.

Commissioner Borries nominated Robert L. Willner to serve as Vice President of the Board of Commissioners for 1987. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Borries then nominated Robert L. Willner to serve as President of the Drainage Board for 1987. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Willner then nominated Commissioner Borries to serve as Vice President of the Drainage Board. A second to the motion was provided by Commissioner Borries. So ordered.

RE: RELOCATION OF UTILITY POLES ON BURKHARDT RD.

Commissioner Willner said he would direct Commissioner Borries' attention to a matter of pending business. In order to complete the Burkhardt Rd. Project, the relocation of utility poles on Burkhardt Rd. (as per request of Federal Highway Administration) needs to be accomplished. He has the following letter from SIGECO:

Mr. Robert L. Willner, President
Vanderburgh County Commission
305 Civic Center Complex
Evansville, IN 47708

Re: Burkhardt Road - Lincoln to Division

Dear Mr. Willner:

Enclosed for your review and approval is a print of the proposed electric adjustment per your request. The proposed relocation is subject to acquisition of three easements, which are also enclosed.

The cost to the Commission is estimated at \$27,400.00. The actual cost will be billed upon completion.

Please provide written confirmation approving the plan and cost estimate. You may also want to secure the three easements enclosed. If not, return them with the confirmation letter and SIGECO will obtain the proper signatures.

Thank you.

Sincerely,

Robert C. Gulick
Gov't. Liaison Representative

cc: L. E. Mastin

Commissioner Willner explained that we previously had an estimate of \$29,000. SIGECO now thinks they can do this for \$27,400 and even believe it might actually come in below that. But that is not a guarantee until the work is done. He said he would like to have the County Attorney review the data from SIGECO. Later in the meeting, he would like to make a motion that the Board grant permission to proceed with the project. He would like to see it completed as quickly as possible.

President Borries said Attorney David Miller is out of the meeting room and involved in a telephone conversation. As soon as he returns to the meeting, he will give him the data and ask for his recommendation. Commissioner Borries said he agrees with Commissioner Willner completely -- that it is very important that this project be completed. This will be the last leg. The only thing left to be done once the project is completed (and this has been discussed and he hopes it can be done) is the installation of guard rail on the south side.

Commissioner Willner said County Engineer Andy Easley is supposed to provide the Commissioners with an estimate; perhaps today. And he thinks both of these jobs should be completed.

Commissioner Borries said that, as expressed last week, he thinks Commissioner Willner has done a lot of fine hard work during his tenure as President of the Commission and his efforts are appreciated.

RE: APPROVAL OF MINUTES

A motion was entertained by President Borries concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of December 29, 1986 be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of December 29, 1986 thru January 2, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Outer Darmstadt Rd.

Patch Crew: Old Princeton Rd.

Rock Crew: McDowell Rd. and Autumn Lane

Tree Crew: Seib Rd. and Boehne Camp Rd.

The Snow Removal Crew worked in all sections of the County and on City Bridges.

Work Report/Bridge Crew: Also submitted for the same period was the Work Report for the Bridge Crew.....report received and filed.

-----Repaired guard rails on Seminary Rd.

-----Cleaned snow off Franklin Street Bridge and Ohio Street Bridge.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Willner said just for the records, the City notified us concerning the City Bridges. Mr. Bethel noted he made certain he included the cleaning of city bridges on the work report.

Commissioner Willner asked if Mr. Bethel will make certain that the new County Bridge Engineer will get an automobile? Mr. Bethel responded in the affirmative.

County Signs: Commissioner Willner asked whether Mr. Bethel has some of his inspectors checking the County signs?

Mr. Bethel said he has all foremen checking County signs. He hopes that within 2-3 weeks that we will have the signs up to date. Any signs that are down will have been replaced, etc.

Commissioner Willner requested that Mr. Bethel keep the Board informed and he so agreed.

County Road Program: President Borries said he was pleased and impressed with the work Messrs. Easley and Bethel did in preparing the County Road Program for the paving season in 1986. He would like for them to do that again for 1987. He thinks Messrs. Easley and Bethel work well together and he would like for them to begin to gather their information on what roads need resurfacing during 1987. If Commissioner Willner agrees, he would like to announce that the Commissioners will hold a public meeting on Monday, February 23rd at 7:00 p.m., to ask for additional input from the residents in various areas of the county. (This would be a special meeting in the evening following the afternoon Commissioners' session.) The meeting is to be held in the Commissioners' Hearing Room. He would ask that Messrs. Bethel and Easley be prepared at that time to present

their list of priorities, based on their observations, calls and communication with individuals and the Commissioners. We will then seek additional input and then present the list to County Council for their funding approval. He is hopeful that we will be able to devote the same amount of funds as we did in 1986, because our road needs will certainly be ongoing. If Messrs. Bethel and Easley can work on this list, he will appreciate it. He will also see that the meeting is advertised.

Mr. Bethel said that he and Mr. Easley have already started preparation of such a list and it will be ready in time for the public meeting.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Street Improvements in Eastland Estates
Subdivision, Section D-1: Mr. Easley submitted the following letter:

January 2, 1987

Mr. Richard J. Borries, President
Vanderburgh County Board of Commissioners
Room 305 - Civic Center Complex
Evansville, IN 47708

Dear Mr. Borries:

The undersigned has made an inspection of subject street improvements on January 2, 1987. These street improvements were constructed during the fall of 1986.

All streets are paved with six (6) inches of Portland Cement Concrete and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 30 ft. wide street in subject subdivision:

Greencove Avenue	300 ft.
Glen-Moor Road	<u>415 ft.</u>
Total	715 ft.

We are enclosing a sketch of the subdivision showing the completed streets.

It is recommended that the street improvements in the subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

It was noted by Mr. Easley that Mr. Bussing has requested that the County accept this short section of street. Mr. Bethel has not personally looked at the subject street improvements. However, he concurs that we should go ahead and accept same, upon Mr. Easley's recommendation. (This is a short section of street that has two names -- Glen-Moor and Greencove Avenue.)

Motion to accept street improvements, upon the recommendation of the County Engineer, was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Commissioner Willner asked if Mr. Easley can still get this in so we can receive State funds for maintenance?

Mr. Easley said he will send the information tomorrow.

Agreement with Hayes, Seay, Mattern & Mattern: Mr. Easley asked if Messrs. Borries and Willner recall the draft of the agreement submitted by Hayes, Seay, Mattern and Mattern? Their breakdown for the design fee on the relocated railroad spur is \$2,900. He has discussed that with his new assistant and they concur that this is a bargain. Mr. Easley said he sees nothing in the draft with which he can argue. With the Board's permission, he would like to go ahead and ask HSM&M to put the agreement in final form and forward same to us.

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

RE: RELOCATION OF UTILITY POLES - BURKHARDT RD.

County Attorney Miller asked whether SIGECO has a relocation agreement form to be signed?

Mr. Gulick said he was looking for a Purchase Order from the County; or possibly a letter of authorization. It was the consensus that a letter of authorization should be prepared, following meeting between Messrs. Easley, Gulick, and Lee Gallivan and subject to State and Federal approval.

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

President Borries said that for the record, Attorney Miller was discussing the letter of authorization with Mr. Bob Gulick of SIGECO. Mr. Gulick is to meet with County Engineer Andy Easley and Lee Gallivan of the Federal Highway Administration. They will make sure that all of the federal requirements with regard to setbacks are seen, followed and observed in this particular matter.

RE: TRAVEL REQUEST - COUNTY ASSESSOR

The following travel request letter was read by Commissioner Borries:

December 30, 1986

To: Vanderburgh County Commissioners

Subject: Expenses for Assessors School

I am requesting approval for James L. Angermeier, (County Assessor), Evelyn Lannert and Frank Papariella (Real Estate Deputies) to attend the State Tax Board Assessors School in Indianapolis on January 28-30, 1987. This is for the mileage to/from Indianapolis, hotel accommodations and food expense.

James L. Angermeier
Vanderburgh County Assessor

Commissioner Willner stated that the Board approved this last week, when they approved "all" assessors attendance. Auditor Sam Humphrey will make certain that the claims are allowed within the County/State guidelines. Mr. Humphrey noted that mileage is 25 cents per mile this year.

RE: COUNTY ATTORNEY - DAVID V. MILLER

The Chair recognized County Attorney David Miller.

Hillcrest Home: With respect to Hillcrest Home, Attorney Miller said he received preliminary indication from Mr. Haton's attorney that he is giving some consideration to an appeal of the ruling by Judge Campbell. He has sixty (60) days from the date of the ruling to perfect that appeal by filing a Motion to Correct Errors. There is a proposal that Attorney Miller wants to explore with him a little further about possible resolution of this matter without an appeal. He said he thinks Judge Campbell's ruling is straightforward and completely defensible on appeal. He thinks Mr. Woodsen agrees with him that his chances on appeal would be very slight, although he cannot speak for him. In view of that and in view of the expenses the county might face in defending an appeal, it may be in the county's best interest to pay some minimal amount of severance pay or something of that sort to Mr. Haton in order to avoid the expenses of an appeal. He will investigate this further and report back to the Board. He would not recommend that the county spend any large sums of money in order to avoid an appeal by Mr. Haton, but simple economic sense dictates that if a reasonable sum can be arrived at that would avoid substantial legal expense, then this should at least be considered. Again, he will report back to the Commissioners concerning this.

RE: ALEXANDER AMBULANCE SERVICE, INC.

President Borries submitted a Profit & Loss Statement of County Contract from Alexander Ambulance Service for period ending 11/30/86....report received and filed.

RE: ACCEPTANCE OF COUNTY EMPLOYEES - 1987

It was requested by President Borries that the following County Employee Lists for 1987 be entered into the record and acknowledged. Those which have not yet been received will be acknowledged at a later date.

Area Plan

Barbara Cunningham
Joseph Ballard
Chris Forney
Beverly Behme
Brenda Hill
Katheryn Young
Virginia Wirthwein
Betty Jo Gillis
Donna Holderfield
M. Irene Mastison

Auditorium

Kim Bitz
Geraldine Gass
Ruby Norris
Sylvester Lipson
Dwight Taylor
Walter J. Weston
Bruce L. Cook

Burdette Park

Mark Tuley
Donald Chambliss
Joyce Moers
William Murphy
Steven Craig
Arthur Pagett
Oliver Spencer
Perry Gostley
Brenda King
Thomas Goodman
Nancy Buckman
Paula Short
Todd Halbrook
Erik Buerger
Barbara Martin
Laural Martin
Bruce Crider
Michael Taylor

Circuit Court

William H. Miller
Linda Sumner
Lucille Smith
Wanda Lee Ringham
John P. Brinson
Terry A. White
Barry L. Standley
Karen M. Scott
Alan Henson
Robert L. Saunders, Sr.
John R. Mueller
Larry G. McDowell
Katherine Baird
Connie Gard
Leslie Freeman
Harris Howerton
Janet McConnaughay
Norman G. Hoskinson

Michael Peeler
Karen J. Destache
Benjamin Evans
Verner Solomen
Edward J. Montpetit
Terry L. Brown
Robert Jeff Dodson
Robert L. Saunders, Jr.
Dennis Howard
Hugh B. Nicholas
Denise Karcher
Brian Nicol

Circuit Court
(Misdemeanor Offenders)

Paul Miller
Paul Wollenmann
Joseph Schaefer
John K. Bushrod

Circuit Court
(Adult Probate User Fee)

Michael Mattingly
Gilbert Schiff
William Martin
Stephen Fuchs
Roy Weightman
Alan Henson
Harris Howerton
Robert Hart, Jr.
Betty Craig
Janice Sloat
Benjamin Evans
Dennis Heathcott
Paul Aarstad
Tracy L. Tread
Rose Chong
Darrin Brumbaugh
Lee Vandever
Kelli Ulrich
Rachael Maasberg
Norman Hoskinson

County Clerk

Helen L. Kuebler
Angela Delgman
Linda Webster
Jeri Warner
Kris Johnson
Jean Schaefer
Mary Ellen Coker
Linda Schiff
Traci Duckworth
Virginia Seybold
Martha Brikner
Shirley Eidsen
Betty Burton
Patricia Gossman
Linda Oldham
Deborah Hunter
Mary L. Rose
Ruth Porter
Lorraine Dean
Jacqueline Head
Janet Ward
Karen Conley
Judy Bumpus
Sharon Green

Jean Ritter
Florence Hess
Cathy Holbrook
Frances Gates
Suzanne Demsey
Bertha Greubel
Doris Parrott
Helen Middleton
Darlene Maveety
Amy Helfert
Norma Dickens
Eleanor Ann Wilson
Mary Victoria Ohl
Joan Page
Doretta Fairchild
Deborah Jackson
Sharon Yunker
Dortha Buente
Dorothea Wolf
Rita Ford
Jean Wicker
Lee M. Crow
Deborah Mottley
Susan Heberer

Clerk
(Incentive IV-D)

Sandra Rust
Kimberly Lee Doom

Commissioners

Richard J. Borries
Robert L. Willner
Shirley Jean Cox
David V. Miller
Curtis A. John
Margaret A. Meeks
Rebecca J. Kachanuk
Michael T. Wathen

Supt. of County Bldgs.
& Liaison to Co. Commissioners

James L. Lindenschmidt
Bennie Gossar

Coroner

Charles R. Althaus
Richard A. Woods
James A. Nelson
Alice C. Fox

Drainage Board

Robert L. Willner
Richard J. Borries
Shirley Jean Cox
David V. Miller
Curt John

Election Board

Election Supervisor
Ballott Ass. & Dist. Supv.
Clerical Asst. & Ass. Asst.
Canvass Board Asst.
Deputy Election Comm.
Member Absentee Teams & Dely.

County Highway

William L. Bethel
Mark Alan Montgomery
Susan Elaine Kirk
Lee R. Stuckey
Ralph A. Easley, Jr.
Jacke L. Crawford
Cecil D. Sills
Freddie R. Blair
Gary B. Page
Harold Lee Stuckey
Albert E. Gartner
Ronald N. Martin
Harry W. Woods
Tracy Leon Jones
Billy W. Downing
James Howell
Roger A. Ritter
Robert Earl Smith
Alan E. Groves
Clayton Jenkins
Sidney Brown
Charles A. Sumner
Larry J. Babbs
Thomas J. Schmitz

Convention Bureau

Thomas S. Heaton
Yolanda F. Bowling
Mary A. Schoettlin
Kimberly D. Tepool
Myrtle A. Masterson

Councilmen

Robert Lutz
Curt Wortman
William Taylor
Harold Elliott
Mark Owen
Betty Hermann
Mildred Ahrens
Alan Kissinger
Jo Ann Utley

Drugs & Alcohol

William M. Campbell
Carl A. Miller, Jr.
Deborah A. Ransom

Deloris L. Koch
Sherri L. Page
Sheila M. Short

Cumulative Bridge

Dan Hartman
James W. Coleman
Jeffery Glenn Mitchell
Daniel V. Gossman
John M. Garrett
Danny R. Gatewood
David Jon Austin
Joseph Gerard Schapker
James R. Carrigan
Delbert Pinkston

Cletus J. Muensterman
Milton Hayden, Jr.
Lillian Young
Highway Inspector
Donald J. Gartner
Thomas Lee Waterman
Dennis Merideth
James R. Triplett
Kirk B. Humphrey
Raymond E. Cook
Larry J. Phillips
Harold Steckler
John R. Keown
James D. Smith
William D. Dickinson, Jr.
Richard W. Sebree
Roy W. Tuley
Terry K. Calkin
William v. Boring
Darryl Chamberlain
Donald W. Williams
Sam Robinson
Delbert J. Deig
Andrew S. Wade

Human Relations

Simon A. Perkins, Jr.

Prosecutor

Earl Edward Chandler
Christian M. Lenn
Stanly M. Levco
James E. Rode
Barbara Williams
Dennis A. Vowels
Daniel DeArmond
Sandra L. Millard
Susan Johnson
Angie Mitchell
Susan Mattingly
Nancy Schmitt
Doloris Savage

Michael A. Danks
Robert Pigman
Robert E. Zoss
Richard D'Amour
Charles Spaetti
Steve L. Bohleber
Timothy Klingler
David Jackson
Carol Hustace
Debbnie Wallace
Debra Jo Day
Barbara Clark

Prosecutor - IV-D

Bernice M. Roth
Mary Jo Kingon
Sylvia Y. Reutter
Lesa Conkling
Nancy Hankins Long
Benjamin E. Haddox
Donna Busan
Sheryl Weiss

Adult Protective Services

Terry Lynn Ruark

Recorder

Bob Steele
June J. Reuter
Sally A. Dicks
Linda Wilson
Marjorie Keeney

Elizabeth A. Bennett
Patti R. Gullatte
Debra G. Becker
Dienna J. Krepps

Superior Court

Terry D. Dietsch
J. Douglas Knight
Robert W. Lensing
William J. Brune
Ralph E. Moore
Donna F. Baumeyer
Georgia Williams
Deborah L. Ray
Sarah L. Cooper
Robert J. Jourdan
Donald Lee Erk, Sr.
Alvis C. Herrenbruck
Louis J. Carnaghi
Bart F. O'Connor
Ronald S. Barron
Joycelin G. Brinkmeyer
Theodore K. Gore
Jill L. Hendricks
Bernard E. Faraone
Albert C. Folden, Jr.
Nina L. Lockyear
Jane L. Schmuck
Devonna K. Brown
Richard D. Jewell
Rosemary Norbury
Stephen C. Haas
Sigmund v. Labhart, Jr.
Dennis Brinkmeyer
Mary Lee Hahn
Fred O. Vetter
Arletta L. Turpin

Thomas Lockyear
Scott R. Bowers
Maurice C. O'Connor
Mark A. Foster
M. Jane Dooley
Mary J. Stucki
Karen Flittner
Mary M. Clark
Sharon J. Boardman
Denzil E. Reed
Edwawrd J. Davine
Frederick E. Althaus
James T. Barron
Eileen Baker
Gregory W. Combs
Patricia E. Fischer
Joseph R. Lutz
Daniel J. Wagner
Mark G. Dremstedt
Mary J. Herdman
Tracy L. Statz
Laura A. Cunningham
Rebecca M. Ledbetter
Toni Brinson
Adm. Assistaent
Jeffrey L. Lantz
Ronald J. Freson, Sr.
David M. Shaw
Barton Alan Bates
Gloria J. Fark
Mildred Morgan

Brenda L. Robbins
Virginia N. Lomax
Karan A. Haas
Debra M. Settle
James E. Cole

Danna L. Harpole
Marilyn F. Hess
Carolyn J. Prior
Paul V. Partington

Superior Court (Misdemeanor User Fee)

Brenda L. Robbins

Surveyor

Robert W. Brenner
Linda L. Freeman
Wayne Pasco
Alice Williams

William Jeffers
Earl Brown
Charles Davis
Tom Goodman

Treasurer

Patrick Tuley
Georgiana Harris
Candy Mosby
Beth Kerchief
Mary Esparza
Tonya Bennett
Bea Freeman
Kim Ford
Doris Whobrey

Jane Berry Bland
Barbara Hedges
Faith Haert
Marlene Brannon
Lisa Hart
Rita East
Thelma Jones
Rosemary Muensterman

Weights & Measures

Loretta Townsend
Raymond E. Kahre

Veteran's Administration

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

Voters Registration

Susan E. Kirk
Travis Rayburn
Barbara Bogan
Cathleen Gorman

Paul J. Bitz
Virginia Massey
Amelia Tornatta
Pamela Bailey

County Assessor

James L. Angermeier
Zreeta Hardin
Evelyn Lannert
LaTosha Pitt
Carolyn Garrison

Monica Mindrup
Cheryl Lawrence
Frank A. Papriella
Madge Bunker
Janice Lindauer

Center Assessor

Alvin Stucki
Janet R. Stucki
Brian E. Gates
Rebecca Ann Fulkerson
Jennifer Sue Yeley
Patricia Ann Altman
Debbie Burch

Knight Assessor

C. Al Folz
Shirley J. Reeder
Jerry Zeller
Lillian N. Tibbals
Helen M. Hammer
Tonya Ann Forehand
Dorothy M. Cole

Perry Assessor

Harry A Tornatta
Glen E. Koob
Karen J. Swartz
Nancy L. Locke
Carl N Zenthoefer, Jr.

Pigeon Assessor

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

Scott Assessor

Bob F. Harris
Gladys B. Martin
Norma Miller
Harley Seybold, Sr.
Marvin Lundy

Center Trustee

Wilbur J. Schmitt
Barbara A. Besing
Donna J. Fritts

Knight Trustee

Ronald J. Saulma
Annette Dickman
Emarie S. West
Tara Stokes
Cova Morris
Rose Borries
Florence Hess
Tom Shetler, Sr.

Pigeon Trustee

Doratheia M. MacGregor
Rachel Altheide
Callie M. Rogers
Billie Swain Goff
Ruth E. Anslinger
Mary E. Hart
Margaret M. Sallee
Donna S. Jones
Billie A. Watson
Margaret Lucille Lambert
Michelle Gubler

Scott Trustee

Bob F. Harris
Barbara J. Harris
Doris Bailey

Union Assessor

John R. Bernard, Jr.
Robert Bernard

German Trustee

Fred L. Happe
Mary Happe
Ron Hartman
Phil Strange
Jim Bishop

Perry Trustee

Norman Mosby
Betty Jean Hempfling
Norma J. Smith
Leo Strange
Lloyd Jost
Jerome Richey
Robert Koressel
Jack Caine

Ethel Bryant
Raymond J. Wilm
David Shaw
Bettye C. Duggins
Mary L. Hall
Mary L. Lancaster
Nancy B. Walters
Imogene Evans
June Hallenberger
Odie F. Harlan
Virginia Landers

Union Trustee

John R. Bernard
Michael Kolb
Kenneth Kuester
Floyd Titzer

RE: OLD BUSINESS

Salary for Administrator/Hillcrest: Commissioner Willner said that in reviewing the salary of the Administrator of Washington-Hillcrest Home, they found that Mrs. Davis' acceptance of that position was somewhat under what we are now paying. He would entertain a motion that the Commissioners go before Council and ask for a raise in that salary, at least to what the United Way Task Force suggested in their guideline. He asked Commissioner Borries if this is sufficient?

Commissioner Borries said he will have to look at the guideline, but he thinks it is within the general range of their recommendation.

Commissioner Willner said he would ask for approval to go before County Council to request that that salary be updated at this time and the specific figure can be entered at a later date.

Commissioner Borries said Mrs. Davis is an interim director and will not be there for an entire year. However, the salary account will have to be changed for the entire year. Also, this adjustment will also reflect the fact (as also pointed out in the United Way study) that their recommendations included that the

Administrator would not have to live at the home. As a result, certain items such as food and other considerations that have been used or available to the previous Administrator will not be at the disposal of Mrs. Davis. This salary certainly not only reflects her educational background, attainment and professional status, but also will put the county in a competitive position to attract an individual with strong qualifications should we choose to use that option when the time comes for the Commissioners to make a decision as to which way they should go in relation to the future of the home. Therefore, he seconds Commissioner Willner's motion and asks to be placed on Council call for that salary increase.

RE: SCHEDULED MEETINGS

Wed.	Jan. 7	2:30 p.m.	County Council Mtg.
Wed.	Jan. 7	6:00 p.m.	Area Plan Commission Mtg.
Sun.	Jan. 11	2:00-4:00 p.m.	Reception/1937 Flood Photos
Mon.	Feb. 23	7:00 p.m.	Public Hearing re County Roads

Commissioner Borries said he has been asked to appear on a panel for Leadership Evansville next week, which starts at 1:30 p.m. at the Sheraton Inn on Monday, January 12th. That panel will be involved in some explanation and discussion on the Business/Economy Program. Commissioner Cox should be back for the Commissioners Meeting next week. If he is late, he requests that the other Commissioners move ahead and he will get here as soon as the program is finished.

1937 FLOOD: It was noted by Commissioner Borries that a lot has been written and more will be written regarding the 50th Anniversary of the 1937 Flood in this county, one of the worst natural disasters this county has faced. There will be a reception at the Evansville Museum from 2:00 - 4:00 p.m. on Sunday, January 11th, at which time pictures of the flood will be shown.

RE: GREEN RIVER ROAD PLANS

Commissioner Willner stated that in checking with the City, he finds that the plans for Green River Road have not been done. He thinks there have been some problems with the City Engineer's office. Thus, he asks that the Commissioners give consideration to hiring this out to an engineering firm. He has heard that Mr. Eiffler is retiring and is just working part-time and currently there really is not an engineer in that office. Commissioner Willner said he thinks we need to at least have the plans ready when Congress passes the new money bill for highways and he is sure they are going to do this as one of the first orders of business. It seems they are getting a lot of heat, not only from this group but from all over the United States. From what he hears, they are going to pass this bill forthwith. If the Green River Road plans were not done, it would be a great injustice to the people of Vanderburgh County. While he understands the City's wishes to do those plans for us, they are just not moving forward. He talked with Rose Zigenfus and she agrees, as does County Engineer Andy Easley. Thus, within the next week we need to say yea or nay to an outside engineering firm.

Commissioner Borries said he certainly agrees with Commissioner Willner. If the Board wants to extend the county's request for proposals, they can do so yet this week. At least ask for proposals. The Commissioners have heard conflicting reports. But as pointed out by Commissioner Willner, there have been some changes in the City Engineer's office and since we have the right-of-way, the Green River Road improvement project needs to go quickly. If we can get all the information to Indianapolis this funding year, perhaps we can get some improvement as soon as Congress passes the highway bill.

Commissioner Willner said that Mrs. Zigenfus is going to do a preliminary investigation. She is going to provide the Commissioners with a high/low range estimate of what it would cost to have the Green River Road plans finished -- and the Commissioners should have this estimate by next week.

RE: ADDITIONAL SPACE FOR COUNTY ASSESSOR'S OFFICE

In directing another item of old business to President Borries' attention, Commissioner Willner said that immediately subsequent to the Commissioners' Meeting, the Commissioners need to go to the County Assessor's office and see if they can concur on additional space in contemplation of added computers for the next reassessment. The matter has been put off for three weeks now and needs to be resolved today. He thinks the County Assessor plans to travel to Franklin, Indiana tomorrow (together with the County Auditor) to look at software and a system currently in place. It is the Cadillac of the State of Indiana or something to that effect, and they are going up to view it, etc. Thus, the Commissioners need to view the County Assessor's area and discuss the possibilities.

Commissioner Borries concurred.

RE: AGREEMENT BETWEEN THERMOTRON, INC. & THE COUNTY

Commissioner Willner submitted an Agreement between Thermotron, Inc. and the County for Refrigeration/Heating Equipment at Vanderburgh Auditorium. We have a multi-year contract which is not up, but we need to sign an agreement each and every year in case there is a cancellation. The County Attorney has reviewed the agreement.

County Attorney Miller said the cost went up \$2,600 over a year ago -- and that is the only change. The previous agreement was for \$46,200 and the current agreement is \$48,856.56 commencing January 1, 1987 and including December 31, 1987.

Commissioner Borries stated that several of the persons involved in Thermotron, Inc. were part of the original maintenance agreement signed several years ago. Their work at the Auditorium has certainly prevented some of the continual problems we have faced. In fact, several years ago there was a lot of discussion and recommendations that we needed replacements immediately. As it has turned out, through the heat of the summer and intense cold of the winter, with this continual maintenance we have survived there. Thus, he thinks the services of Thermotron, Inc. have helped us avoid some major expenses. With Mr. Willner's recommendation, the Board will have the services of Thermotron, Inc. continued.

Motion to sign the agreement with Thermotron, Inc. for 1987 was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANCES

Center Township Assessor (Appointments)

Debbie Burch	Deputy	\$516.92/Pay	Eff: 1/5/87
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Center Township Assessor (Releases)

Shirley Stucki	Chief Deputy	\$708.10/Pay	Eff: 12/31/86
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Commissioner Borries requested that employment change status forms also be prepared for Mrs. Connie Davis and the new Bridge Engineer, so they can be read into the record next week.

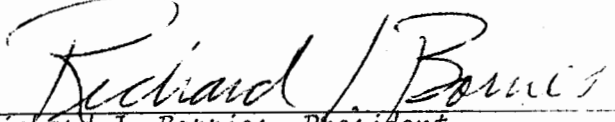
There being no further business to be brought before the Board at this time, President Borries wished everyone a Happy New Year and declared the meeting adjourned at 3:30 p.m.

PRESENT:

<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
R. J. Borries R. L. Willner S. J. Cox (Absent; on vacation)	Sam Humphrey	David V. Miller
<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>SUPT./BUILDINGS</u>
Bill Bethel	Andy Easley	J. Lindenschmidt
<u>OTHER</u>		
R. Gulick/SIGECO News Media		

SECRETARY: Joanne A. Matthews

Board of Commissioners of
the County of Vanderburgh


Richard J. Borries, President


Robert L. Willner, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 12, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, January 12, 1987 in the Commissioners' Hearing Room, with Vice President Robert Willner presiding.

The meeting was called to order by Commissioner Willner, who announced that President Borries is involved in another meeting away from the Civic Center. Hopefully, he will arrive while the Commissioners are still in session.

Commissioner Willner subsequently welcomed Commissioner Cox, who had been on vacation for several weeks.

Approval of the minutes of meetings held on December 22, 1986 and January 5, 1987 was deferred until Commissioner Borries' arrival, since Commissioner Cox had not been present for either session.

RE: COUNTY CORONER - CHARLES ALTHAUS

Agreements with Pathologists: Mr. Althaus said he is present today because it is time to have contracts signed with our Pathologists. There is one change. We are adding Dr. Young Lim. This means we will now have four (4) pathologists. Doctors Webb, Carpenter and Lim have formed their own organization called "Ohio Valley Pathologists". The fee is the same (\$300.00 per call). However, the contract is on a two year (2 year) basis. Mr. Althaus said that as of now he has two years remaining in office, so there will be no change during that tenure and there will be no cost increase during that period since this is a two year contract.

The other pathologist is Dr. Blomberg (the same as last year). He has his own association (Associated Pathologists of Evansville). This is also a two year contract. Again, we now have four (4) pathologists rather than three (3).

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Cox that the contracts with the Pathologists for the County Coroner's office be approved on the two year basis, with a second from Commissioner Willner. So ordered.

Mr. Althaus said that during the last six months he has checked out what other coroners were paying for autopsies. North of Indianapolis it is from \$400 to \$900 per call. Thus, he feels we are doing very well.

Agreement with Deaconess Hospital: The next Letter of Agreement is with Deaconess Hospital for laboratory services and morgue fees. There are two items concerning this agreement which he wants to discuss with the Board.

Last year their fee was \$150.00 per case. This year they have added \$25.00 per case, making it \$175.00 per case (costing us \$1,250.00 per year). The basic reason for this, with our forensic science today we are required to do much more in all autopsies. Therefore, there is much more required insofar as the morgue and laboratory fees are concerned. There are many more drug screens and there are more blood tests. However, they have not and will not charge us for the refrigeration they have built

for us. Thus, we can't complain. Anything he has had to send to Indianapolis (Indiana Medical Center) as far as blood and drugs are concerned, the cost has been triple that which we pay here. Thus, it is quite a savings for Vanderburgh County to have Deaconess do this.

Commissioner Willner asked if the contract language is the same, with the exception of the \$25.00 increase?

Mr. Althaus responded in the affirmative.

Continuing, Mr. Althaus directed the Board's attention to Paragraph #2 of the agreement, as follows:

- "2. Autopsies on bodies which produce a foul odor sufficient to be present beyond the morgue room shall not be done at Deaconess Hospital, but shall be conducted elsewhere."

Mr. Althaus said that, as a retired mortician, he knew that Ziemer Funeral Home on First Avenue had a built-in crypt. This was built in when they remodeled and moved from former to present location on First Avenue. He talked with Mr. Jerry Ziemer the first part of last year and Messrs. Woods, Nelson and Althaus have the key to this crypt (which is metal-lined) and it is locked. No odors can escape. On several occasions last year, the Police Department and one of the Coroner's deputies removed the bodies from the scene (for instance, the fellow who drowned -- there was quite an odor). They removed the body from the scene, took it to the funeral home on First Avenue, locked it up, and returned the next day to take it to be posted. The police and the Coroner's deputy went. There was no change -- the same policeman went to remove the body who was with Mr. Woods when he took the body. Thus, there was no change of command, which is one of the things that the Prosecutor wants today. Mr. Ziemer is letting us have this facility at no charge to the county.

The Chair entertained questions concerning the agreement between Deaconess Hospital and the County. There being none, a motion was entertained.

Motion was made by Commissioner Cox that the agreement between Deaconess Hospital, Inc. and Vanderburgh County Coroner's office be approved, with a second from Commissioner Willner. So ordered.

Agreement with Forensic Dentist: Mr. Althaus said the next agreement concerns Dr. Rodney F. Brown, the forensic dentist. Along with our pathologists, he has helped us on several occasions with identification. This is also a two (2) year contract. Mr. Althaus commented that he knows that Governor Orr is in the process of appointing a Forensic Dentists Commission. There are only three (3) in the State of Indiana. It is his understanding that Dr. Brown will probably have one-third of Southern Indiana. Thus, his office is quite pleased that we have Dr. Brown.

The Chair entertained questions. There being none, a motion was entertained.

Motion was made by Commissioner Cox that the two year agreement with Dr. Rodney Brown be approved, with a second from Commissioner Willner. So ordered.

It was noted by Mr. Althaus that with our pathologists, our refrigeration and storage of decomposed bodies, his office is in the process of buying a freezer, because it is necessary now for them to keep tissues longer than they have in the past -- because of prosecution, litigation, etc. When they purchase this freezer, Vanderburgh County within a half mile radius, has a complete morgue. If there is any thinking re a complete morgue,

as far as purely expenses are concerned, he guesses he can relieve it from his mind, because the closest figure he can come to is \$1 million.....and we're getting it under contract.

Commissioner Willner said he doesn't believe Mr. Althaus shook the Board up until he mentioned the \$1 million -- and that got their attention.

Commissioner Cox said she was going to ask Mr. Althaus if she could trade her freezer in for the Coroner's new one -- because she used her own freezer for a long time. (Her husband, Earl Cox, was formerly the Vanderburgh County Coroner.)

Mr. Althaus asked if she still has some parts?

Mrs. Cox assured him there are none.

Mr. Althaus said he might add that there was a death at Whirlpool and Whirlpool compensation paid for the autopsy. He has around \$3,000 in the County Treasury left over from last year, that he received from out of state autopsies. He needs assistance in writing a bill.

Commissioner Willner said he thinks this is one of the things we'd like to get passed in the Indiana Legislature this time.

Attorney Miller advised that the Legislature itself has a Committee that will help Mr. Althaus draft the subject bill.

Mr. Althaus said he has been talking to some of the Legislators.

RE: AREA PLAN COMMISSION

Mrs. Barbara Cunningham said she is here to present the Division Street Growth Management Report, which is all part of the Comprehensive Plan. The subject report was accepted by the Area Plan Commission last Wednesday (she believes the Commissioners have copies). It was subsequently determined that they do not. Mrs. Cunningham said this is the same type of report that they earlier received on Green River Rd. It is information compiled to assist the Commissioners in their decision making.. The report discusses the transportation network, utilities in the area; they speak about limiting the number of curb cuts, etc. The area boundaries are Green River Rd., Division Street, Warrick County Line and Morgan Avenue. It is a report that is called for in the Comprehensive Plan and it is to assist the Commissioners in development decisions in an effort to anticipate problems and act on them prior to development. It contains five sections: Introduction, Existing Conditions, Future Conditions, Patterns of Growth and Development in conceptual terms, and Summary. Joe Ballard and Chris Forney are also present at today's meeting, should the Board have questions.

There was some confusion regarding whether or not copies had been provided to the Commissioners.

Commissioner Willner said that when all three of the Commissioners have reviewed the report they will so advise Mrs. Cunningham, and she can return to a Commissioners' Meeting for purposes of discussing the report and answering any questions the Board may have.

RE: CONTRACTS FOR RESURFACING MATERIALS, TIRES, TUBES, GAS & OIL

Vice President Willner announced that awarding of contracts for resurfacing materials, tires, tubes, gas and oil has been deferred until next week. He informed Attorney Miller that in the contract for resurfacing materials (hot mix, etc.) The Rogers Group from Haubstadt, IN was the low bidder and J. H. Rudolph was the second low bidder. Last year the situation was reversed and the County accepted both bids. Now there is a third supplier

(Jerry David). He also bid, but he was third high. The plant at Haubstadt is closed and Rudoloh's plant is closed. Jerry David's outfit is still mixing and the county has been buying some hot mix from him without a contract. Is that permissible?

Attorney Miller said he thinks this falls under the portion of the statute that provides for emergency purchases. If none other is available and this purchase is needed in order to provide for the immediate needs of the county roads, he thinks such purchase is entirely within the statute provision. However, he thinks this should be remedied. As he recalls, the reason Mr. David's bid was higher was because he had to put in a figure for the purchase of a bond. If the bond was not required, his price would have been lower. As he understands it, as long as the bond is not required, his price is lower than the other two bidders anyway. Perhaps we can enter into some negotiation with Mr. David, because it would be to the county's benefit in the long run. He sees nothing wrong in accepting all three bids, as the price quote is on a per unit used basis anyway; it is not for a specific quantity/amount. He is certain that Rudolph and The Rogers group will resume mixing at some future date.

We should be prepared to buy from the lowest bidder.

Commissioner Willner asked if this is Attorney Miller's official opinion?

Attorney Miller stated, "I imagine everything I say from here is an official opinion, whether or not I like it."

Commissioner Willner said awarding of the contract was deferred until he checked this out.

Attorney Miller said he doesn't foresee any problems.

Commissioner Cox pointed out there are other things to be considered. For instance, if we're paving way out in the northern part of the county, even though J. H. Rudolph's cost may be lower than that of The Rogers Group, by the time our trucks come all the way in to pick up the material and haul it all the way back to the northern part of the county, we're losing money. Thus, she thinks there is an advantage (unless the bids are ridiculously different) to accepting all the bids.

Attorney Miller said he sees nothing wrong with this.

Commissioner Willner requested that Mr. Lindenschmidt so notify the Purchasing Department so they can make their recommendations next week.

RE: COUNTY EMPLOYEE LISTS - 1987

Vice President Willner presented the following County Employee Lists for 1987, which completes this matter:

Armstrong Assessor

Wilbur G. Kron
Randall C. Kron

Auditor

Sam Humphrey
Cindy Mayo
Peggy Powless
Karen Joest
Joanne Matthews
Anne Virgin
Georgia Benson

Armstrong Trustee

Wilbur G. Kron

Gloria Evans
Terri Woodward
DoLores Gugin
Janet Watson
Michele Nolan
Jean Haskins
Lena Sherman

Tammy Stephens
Shirley Ankenbrand
Terri Pace
Betty Franklin
Martha Calkin
Kathy Lowe

Teresa Riney
Dona Reheman
Dorothy Wilson
Vanessa Adams
Marian Ellsperman

Washington-Hillcrest Home

Connie Davis
Mary Arvin
Lisa Benton
Evelyn Blythe
George Harper
Christine Howard
Ernest Merriwether
Peggy Pruitt
Bonnie Strickland
John Herak, Jr.
Diane Reheman
Bertie Slaton
Caroline Herek
Myrna Krizek
Nancy Woolsey
Julie Miller
HJenal Jones
Lois VanWay
Norma Lee Carroll

Mable Carroll
Charlotte Cole
Sylvia Edwards
Dorothy Furgerson
Annie Hawkins
Carolyn Kirby
Jo Ann Moseley
Mary Sweet
Catherine Williams
Gloria Brown
Edna DeTalente
Edwin Zenthoefer
Dorothy Kramer
Mary Jo Richardson
Michael A. Garris
Debra Forrest
Ruth Patrick
Norman Williams

Legal Aid

Sue Ann Hartig
Kathleen Ann Powers

Karen G. Paulin
Kevin Dean Gibson

United Way - Legal Aid

Sue Ann Hartig
Karen G. Paulin

Kathleen Ann Powers
Kevin Dean Gibson

Sheriff

Clarence C. Shepard
James Alan Moers
Gary O'Risky
Richard O'Risky, Jr.
Clifford Trainer, Jr.
Timothy Lennartz
John Reutter, Jr.
Peter Swain
Gary Kassel
William E. Roberts
Robert Beckham
Kenneth Patterson
Michael Daws
Thomas P. Rademacher
Joseph Winfield, Jr.
William Coleman
John Crosser
Stanley Garrett
Kenneth Collins
Stephen L. Bequette
William C. Roland, Jr.
Eric M. Herrmann
Richard L. Bennett
Kenneth A. Mitz
David A. Weiss
Billy C. Denton
Marvin G. Cooper., Sr.
Kent B. Todisco
James Truitt
Robert L. Miller, Jr.
Jacqueline L. Trail
Michael D. Austin

James D. Fravel, Jr.
Michael A. Craddock
Jimmie Ray Tucker
David Ludwig
Lee West
Soney Banks, Jr.
Gerald H. Castrup
Terry Hayes
John Lancaster
Curtis Sturgeon
Steven R. Schnell
Stephen Griggs
Ronald R. Hortmann
Larry W. Barchet
Stephen E. Sparks
Thomas Brandsasse
William Droll
Phillip S. Strange
Sandra H. Shuler
Stephen G. Woodall
John R. Engelbrecht
Steven Ray Clark
Robert M. Carl
Michael K. Jones
John C. LaVanchy
Michael W. Forshee
Danny Hape
Randall E. Korff
James J. Poston
Stephen F. Moser
Ronald W. Newman
Robert L. Vessels, Sr.

Roy Perkins
Arella Ray
John H. Strange III
Lois Scruggs
Kent W. Walker
John B. Ellsworth
Robert C. Tribble
David L. Wedding
Michael J. Duckworth
Bruce N. Crider
Thomas E. Wedding
Mark A. Sloat
Rodney J. Buchanan
Kevin J. Young
James W. Spence
Mary L. Klaser
Timothy W. Heath
Jeffery C. Johnson
Oliver W. Hayek
James W. Chapin III

William W. Pierce, Sr.
Thomas D. Wallis
Ronald A. Brown
Stuart A. VanMeter
Bryon C. Klaser
Michael Taylor
Danny r. Armstrong
Paul E. Bice
Michael A. Kingston
Larry W. Craddock
Dale A. Thene
Michael A. Higdon
Dennis E. Daniel
Jerry W. Oschner
Frank Lutz III
Roy J. Burris
Michael A. Hertweck, Sr.
Fennis B. Shoulders, Jr.
Richard Hildenbrandt

Jail

Peter Laval Evers
Wilma G. Kerner
Kelli Jayne Seddon
Kenneth Roy, Jr.
James W. Oldham I
Dan Collins
Mark A. Russler
Steve W. Lockyear
Pamela J. West
Robert W. Hahn
Scott M. Hurt

Mary Ellen Imel
Monica Ann Dupont
James R. Basham
James Edward Ayers
Arlita L. Small
Paula J. Rodenberg
Clint J. Fussner
Doris L. Karns
Brian K. Korn
Roxanna C. Roy
Gloria J. Grant

Jail Misdemeanant

Alfred Leon Askins
Deborah A. Titzer

James K. Boyd
Emily D. Landers

German Assessor

Gary W. Wagner
Karen A. Wagner

Margaret Effinger

Co-Op Extension Service

Jack D. Wade
Linda Thomas
Jane E. Jett
Susan K. Plank
Rosalie Mesker

Betty M. Bumb
Ella Mae Sheets
Larry Caplan
Gary Randal Brown
Janice Dougan

Cumulative Bridge (corrected)

Dan Hartman
James W. Coleman
Jeffery Glenn Mitchell
David Jon Austin
James R. Carrigan
Richard L. Gwinn

Daniel V. Gossman
John M. Garrett
Danny Ray Gatewood
Joseph Gerard Schapker
Delbert Pinkston

RE: COUNTY ATTORNEY - DAVID V. MILLER

The Chair recognized County Attorney Miller.

Attorney Miller said he really has nothing vital to report.
Everything seems to be under control at this point.

Hillcrest-Washington Home: The only matter he left outstanding last week related to the Hillcrest-Washington Home litigation and whether or not there would be an appeal. At this point in time, he has not been advised that there will be. Time is still available to Mr. Haton, however.

RE: VANDEBURGH AUDITORIUM - KIM BITZ

Commissioner Willner asked Kim Bitz, Manager/Vanderburgh Auditorium, whether the mechanical gates have been repaired at the Auditorium Parking Lot?

Mr. Bitz said they were fixed last Monday -- and lasted about three hours before they again encountered problems. He has been in touch once again with the supplier in an effort to get them back here to solve the problem.

Commissioner Willner said Mr. Bitz needs to tell County Attorney Curt John (who is handling this matter) to go ahead and file suit or something. This whole thing has become ridiculous.

1986 Booking Report: Mr. Bitz submitted copies of the 1986 Booking Report for Vanderburgh Auditorium, as follows:

	<u>1986</u>	<u>1985</u>
Calendar Days Occupied	165	177
Total Room Usage	206	228
Total Events	173	175

It was noted by Mr. Bitz that the drop in totals for 1986 can largely be attributed to the loss of two events: Evansville Civic Theater's Summer Show and the Dance Theatre's September show (which did not take place at the Vanderburgh Auditorium this year). Together, they account for 13 days of room usage and a total of six (6) events. He said he might also point out that although both groups receive our non-profit and multiple performance discounts, the loss of these two shows was also a \$6,500.00 loss in revenues.

Financial Summary for Fiscal 1986:

	<u>1986</u>	<u>1985</u>	<u>1984</u>
Starting Budget	\$351,584.71	\$411,163.53	\$434,357.00
Final Budget	445,528.12	457,007.53	470,042.00
Expended	428,352.04	447,702.22	461,078.04
Revenue	177,306.13	164,509.80	139,683.06
Deficit	\$251,045.91	\$283,192.42	\$321,394.98
Actual Deficit	\$251,045.91	\$283,192.42	
Capital Improvements	38,534.85	68,677.04	
Adjusted Deficit	\$212,511.06	\$214,515.38	
Cooling Tower	23,700.00		
	\$188,811.06		

INCOME SPREAD - COMPARISON

	<u>1986</u>	<u>1985</u>	<u>1984</u>
Rent	\$124,475.32	\$124,889.50	\$106,763.75
Set-Up	10,424.43	9,950.75	8,442.30
Parking	20,265.60	5,780.33	5,335.50
Coat Check	1,906.25	1,110.00	1,919.65
Other	1,137.87	470.00	1,455.75
Commission	\$ 19,050.91	\$ 22,309.22	\$16,508.96

With regard to the Year-End Utility Report, they used about 50,000 less KWH than they did last year, which was a nice decrease. However, because the price of electricity has gone up, they paid SIGECO approximately \$5,000 more in 1986 than they did in 1985.

Their gas usage has gone down. They utilized 129,612 CCF in 1986 as opposed to 156,827 CCF in 1985, at a cost of \$45,590.32 in 1986 as compared to \$61,788.06. The many energy saving devices and techniques that have been implemented since 1985 are evident in the foregoing totals. The HVAC contract with Thermotron, Inc. has proved to be a very wise decision.

Mr. Bitz said the utility report brings up a matter which he has already discussed with County Council. Last year in budget sessions they failed to put money in the account we had for Thermotron for the heating and air conditioning contract. And they were aware that he'd have to come back for that money this year. If we indeed ask for the money in that particular account, by the time we get approval from the State and actually pay the bills, it would be the month of May before we could pay those people any money. The solution to the matter that he has discussed with Council is to take the \$100,000.00 that they have budgeted in utilities right now and transfer that next month out of utilities into the contract account. At that point, he asks for that money to be replaced in utilities and he will be asking the Commissioners to go on Council Call next month to take care of those matters.

Commissioner Willner said he appreciates the continued lessening deficit. He thinks this is what we set out to do -- and he hopes we can reduce it even more in 1987.

Mr. Bitz said there are two Trade Shows coming during October which promise to be exciting. One of those is a 3-day Ceramics Show, which will be the first time it has been held. The other is a 3-day Hat Show. These are two new types of events and they are pretty excited about this.

Commissioner Willner asked if Mr. Bitz is on top of Council's wishes on extra budgetary items that they want him to come back for? Mr. Bitz said he is -- they were all mentioned last year. He will be going over these with the Advisory Board and then going to Council.

RE: TRAVEL REQUEST

Commissioner Willner submitted the following travel request from Connie Davis (Hillcrest-Washington):

Permission for two people to travel to Indianapolis on Monday and Tuesday, January 19 and 20, and for two people to travel to Springmill State Park on Thursday and Friday, January 22 and 23. She has money in her budget to pay the expenses.

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

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of January 5 thru January 9, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Wedeking Ave., Outer Darmstadt, Burkhardt and Burch Drive.

Patch Crew: Old Princeton Rd., Pollack Ave., Five Dollar Rd., and Upper Mt. Vernon Avenue

Rock

Shoulders: Streuh-Hendricks, Baseline and Lutterbach

Tree Crew: Boehne Camp Rd., Darmstradt Rd., Hillsdale Rd.
and Walnut Lane

Grader: Streuh-Hedricks, Nurrenbern and Old Henderson Rd.

Washed and waxed all vehicles and performed minor maintenance.

Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

The Vanderburgh County Bridge Crew repaired guard rails in all sections of the county.

Weekly Absentee Reports: Submitted for the same period were the Weekly Absentee Reports for the employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Willner asked Mr. Bethel if he had people sanding the bridges?

Mr. Bethel said they went out at 10:00 p.m. Saturday night and stayed out until 7:00 a.m. Sunday morning, during which time they cleared every road in Vanderburgh County and all bridges. He also received some very nice compliments in this regard.

RE: COUNTY ENGINEER - ANDY EASLEY

Engineering Agreement re "B" Street Underpass: County Engineer Andy Easley asked that since Commissioner Borries is not present, is this an appropriate time to consider the Engineering Agreement on the "B" Street Underpass?

Commissioner Willner said the Board could wait until Commissioner Borries arrives, if Mr. Easley has other matters to discuss first. He believes the Commissioners are in agreement, but he is not certain Commissioner Cox has had an opportunity to review said agreement. In all fairness, perhaps she should do that at this time.

Mr. Easley said Commissioner Willner will recall the Board wanted an additional clause included, but that is the only item that has been added, and the revised agreement has been approved by County Attorney David Miller. Attorney Miller said the clause probably imposes some sort of a duty in good faith, that they will continue working if there is a fee dispute. As pointed out by Mr. Easley, the engineering community works among thousands of contingencies and probably the best thing we have is that this provision is approved by them in combination with the January 7th letter that indicates that it would require an unforeseen set of circumstances to increase the expense. Those kinds of things are just inherent in projects like this.

Commissioner Willner said the Board is going to expose the county to a bill of \$183,000.00, is that correct -- give or take the railroad spur?

Mr. Easley responded that that is correct. There is a reduction if they do not need a pumping station. \$183,000 plus the \$2,900 for the railroad spur. And it looks like we're looking at a \$1.8 million project. But we want to have the plans prepared if we want to build it.

Commissioner Willner said by way of bringing Commissioner Cox up to date, Hayes, Seay, Mattern and Mattern sent the county an agreement re engineering services on "B" Street. We returned it and had a sentence inserted into the agreement. Thus, the agreement has been before the Board twice. Basically, we all

agree on the project. If Commissioner Cox agrees that we should go ahead and design it, then this is the time. If she has some problems and wants to wait for Commissioner Borries to arrive, then she should so indicate. If not, then they can proceed to execute the agreement.

Commissioner Cox asked if her understanding is correct that the engineering design will cost \$183,000 plus the \$2,900 for the railroad spur? If no pump station is required, then the cost decreases some \$4,600 or whatever that figure is? The construction cost is \$1.8 million.

Mr. Easley said it was \$1.7 million before we found out that we were going to have to relocate that SIGECO spur and that will now put it at approximately \$1.835 million. SEABOARD indicated they thought they'd prefer the spur come from the west. It is going to have a long, steep crossing on Broadway, which is going to be something someone is going to have to maintain. He has a feeling that if the county relocates the siding part of this deal (SIGECO Power Plant) he is not sure who would be maintaining the railroad crossing.

Commissioner Willner said he doesn't know either. But he knows who didn't maintain it the last time. The city paved over it. But SIGECO said they did get permission to do that. But if SIGECO wanted to use that spur, the city was obligated to remove that hot mix asphalt. He guesses it would fall to the city to maintain.

Commissioner Cox asked what we have budgeted? Do we have enough budgeted for preliminary engineering?

Mr. Easley said he believes when we made up the bridge budget this year that we put funds in -- the \$1.7 million. We may have to go a little more.

Commissioner Willner said that basically the whole project is funded.

Commissioner Cox asked if County Council has been brought up to date on this? They are aware of what all is involved?

Commissioner Willner interjected that County Council approved the project to the tune of \$1.7 million. He doesn't think they have been apprized re the railroad spur at this time, but he does not see that as a problem. Actually at this time there are a few unknowns, and one of them is the homes on "B" Street -- whether any property will have to be purchased and if so, how much, etc. So there are still some unknowns. For instance, the railroad spur is an unknown factor. We do not know whether it will come from the west or the south. So the foregoing are not known factors.

Mr. Easley said he has had two field conferences re the railroad spur and SIGECO expressed their wants and Seaboard expressed their preferences -- and he relayed these to the consultant. We also have a couple of other options.

Commissioner Cox said that what prompted her question was Mr. Easley's initial statement that if we're going to spend \$183,000 on preliminary engineering, we want to make sure we build this.

Mr. Easley responded, "That is correct."

Commissioner Cox continued, saying her question was, "Is this support from the Council solid? I don't see any problem with going with what is in the budget. But if we have to go back and say we're going to need \$1/2 million, or \$200,000 or \$300,000 or \$400,000 more -- she doesn't know how solid their support was in the beginning. Since we're going to start right off the bat with some possibilities for overruns, this is why she was asking. It might be well to keep Council updated -- and let them know that there are some unknowns here.

Mr. Easley said he would be glad to give such a report to the Council. He believes the preliminary estimates the consultant had included the pumping stations (where they thought they would be required). There is one at Ray Becker and he believes we'll probably have to have one there. Mrs. Cox concurred.

Commissioner Willner asked if Commissioner Cox wants to make a motion?

Commissioner Cox asked, "This does not require Council approval?"

Mr. Easley said he doesn't believe it does. He thinks the bridge budget has funds for this.

Motion was made by Commissioner Cox that the agreement be signed, with a second from Commissioner Willner. So ordered. (Mr. Easley asked that Commissioners Willner and Cox execute two copies of the agreement, one for the Auditor's permanent records.)

In response to query from Commissioner Willner as to whether Mr. Easley has any other matters for the Board's attention, Mr. Easley said that with regard to the "B" Street underpass, he received an interesting telephone call about ten days ago. It was from a company that would be interested in building the underpass and leasing it to us.

Commissioner Willner said this is interesting.

Commissioner Cox asked why Mr. Easley didn't provide the Board with this information before they signed the agreement?

Mr. Easley said if the Board wants to rescind what they just did...

Commissioner Willner said, "No; in the first place, there were only three or four companies that the Seaboard System would approve. Thus, you can't go outside the companies that have their approval. But after it is designed, the firm mentioned by Mr. Easley would come in and build the underpass -- after it is designed.

Mr. Easley said they offered to at least finance it, build it and lease it to the county, which is a monthly payment of \$17,000.00 over a fifteen (15) year period. He didn't know how excited the Board would be about this.

Commissioner Willner said "Not too excited.

Mr. Easley said fifteen years of easy payments would amount to \$3 million.

The Board did agree that this was an interesting concept, however.

Meeting re Road Projects: Mr. Easley submitted a copy of letter he had received from Mark Owen, County Council President, concerning a special meeting to be held on January 20th at 5:00 p.m. to review existing road projects and, specifically, how the funding is related to these projects. Councilmen Taylor and Wortman were appointed to serve on this committee along with two Commissioners and it is requested that the County Engineer work with this committee in determining future needs.

Commissioner Willner advised that he plans to be at the subject meeting.

Additional Guard Rail for Burkhardt Rd.: Mr. Easley presented an estimate for additional guard rail for Burkhardt Rd. between Lincoln Avenue and Division Street. He said we have been

installing 12 gauge guard rail. The guard rail which is currently out there is 10 gauge. It also has the brace at the bottom, which is \$4.10 per ft. We have four options if we elect to put in the remaining guard rail. The Board can review the estimate and take the matter under advisement. The last page of the estimate shows how much we can spend on materials there if we go with the 12 gauge guard rail and use the lighter posts and omit the brace. This will cost \$21,000. If we go with the guard rail we have out there currently it will cost \$42,300 excluding labor.

Commissioner Willner asked if we would do this in house?

Mr. Easley said he believes we would.

Commissioner Willner said this matter will be taken under advisement for a period of one week.

Mr. Easley said he thinks perhaps the Commissioners would like to drive out to Burkhardt Rd. and look at the guard rail which they installed and look at some of the other guard rail they have installed, since technically the Federal Highway criteria says that we really don't need it -- we might not want to go with guard rail that heavy.

The Chair entertained questions of Mr. Easley. There being none,, Commissioner Willner continued. He said he just received a call from Lee Gallivan, the Federal Highway Inspector. He wants to thank us and SIGECO for the very detailed drawing of the relocation of the utility poles on Burkhardt Rd. He said that does comply with the design standards for Federal Highways and he'd appreciate it if we would go ahead and approve that contract today and Commissioner Willner advised that we would. He said that if his memory serves him correctly, the cost was \$27,400. We've talked about this for two years now and if there are no further questions, he'd appreciate a motion.

Motion to approve the contract for relocation of utility poles on Burkhardt Rd. was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Commissioner Willner asked Mr. Robert Gulick from SIGECO if he wants a letter from the county or does the motion constitute a contract?

Mr. Gulick said he would like a letter and a copy of the minutes from today's meeting.

Commissioner Willner requested that Mr. Easley handle this. He said perhaps we can install the guard rail and relocate the poles and be finished with the Burkhardt Rd. project.

Request for Waiver of Sidewalks, Curbs and Gutters/Highland Ridge Estates Subdivision: Mr. Easley said that Mr. Sam Biggerstaff is in the audience today. He is requesting waiver of sidewalks curbs and gutters in Highland Estates Subdivision.

Commissioner Willner said he went out to look at the subdivision and he would probably agree. He doesn't know whether the other Commissioners have had an opportunity to view it or not. He asked Mr. Biggerstaff whether he needs a decision today?

Mr. Biggerstaff said he does not.

Commissioner Willner said the lots are 1, 2, 5, and 6 acre lots and there is one (1) 10 acre lot. To ask for curbs and gutters would probably be a little ridiculous. However, any decision will be postponed for one week, until such time as Commissioners Borries and Cox have had an opportunity to satisfy themselves concerning the matter.

Replacement of Bridge Culvert on Rollet's Lane & Broadway: Mr. Easley said that in the past the county has designed three or four replacement structures, the least expensive of which is a bridge. However, because of the location of the channel, it is eating into Broadway and needs to be moved away or it will erode Broadway. The easiest way to move the channel. If we move the channel, then we have to build a major bridge, because we cannot put the bridge into the bank. After much study and several trips out there and talking with some contractors, he has discovered that a system cast in Louisville would be the least expensive way to replace that bridge. He obtained estimates from a major bridge contractor. He would like for the Commissioners to consider letting us perform this as a construction management project, where we would purchase the culverts and buy the material and get a contractor to provide a large back-hoe. We would then rent a crane and have the culverts unloaded the morning they arrive. This is a little different,, but he thinks we can save several thousand dollars by doing it this way.

Commissioner Willner asked, "Since we're plowing new territory here in Vanderburgh County now, is there somewhere we can see construction like this?"

Mr. Easley said they have several in Ohio. Apparently they have made several bridge installations in the Cincinnati plants and now Louisville has a set of forms. We might be able to get by with a 20 ft. span; but he thinks if there is a 20 ft. bridge under Broadway, for a few dollars more we could install a 24 ft. span. Currently there is a 13 ft. span about 8 ft. high.

Commissioner Cox said it is terrible and a very dangerous situation. People coming out of Rollet's Lane and want to turn on Broadway and somebody wants to turn in -- they stop there and they take their life in their hands. It's a very, very bad situation.

Mr. Easley said that with all the runaround, the channel change, etc., there is probably 15 days of construction. They can cast these culverts in three (3) weeks and deliver them in thirty (30) days if we elect to go this route. Otherwise, you know how long it takes to build a bridge.

Commissioner Willner asked, "Even with this system we'll have to have a runaround?"

Mr. Easley said, "Yes, because the road will be closed. We're going to have to work in the bottom of the channel to install the footings. Generally, March would give us the kind of dry weather we need to do the work in the channel."

In response to query from Commissioner Willner, Mr. Easley said the estimated cost of this project is \$56,000 against approximately \$68,000 for conventional method, which would require approximately two months for construction as opposed to approximately fifteen (15) working days for the proposed method.

Commissioner Willner said the Board will take this under advisement and hopefully render a decision next week.

With regard to runaround, Commissioner Cox mentioned some land owned by Mr. Robert Lutz (County Councilman) and said perhaps he would grant the county temporary right-of-way across his ground to get to another lane that is there. This lane would be the only way she would know of because she doesn't think residents could get out Johnson Lane, because the creek runs partially on the west side of Johnson Lane. At least this would be a possibility.

Commissioner Willner again stated that the Board will try to reach a decision by next week concerning this matter.

RE: ACCEPTANCE OF CHECK FROM WELLS CABLE T-V:

Commissioner Willner presented check in the amount of \$96.13 for Franchise Fee for last quarter of 1986.

Motion to endorse check for deposit into County General Fund was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: VETERANS SERVICE - ANNUAL REPORT

Commissioner Willner submitted a copy of Annual Report from the Veterans Service Office, which had been forwarded to the State of Indiana. He cited the following figures from the report:

Personal Interviews	5,815
Claims & Applications Filed	3,722
Information & Counseling Service	700
Veterans Meetings Attended	156
Power of Attorney Filed	1,710
Out of Office Interviews	271
Miles Traveled	4,065
Eligibility Verification Report Forms	1,122

RE: HOLIDAY OFFICE CLOSING

Commissioner Willner announced that all County Offices will be closed on Monday January 19th in observance of Martin Luther King's birthday. The Commissioners meeting next week will be held on Tuesday, January 20th at 7:30 p.m. in Council Chambers, at which time rezoning petitions will be heard.

RE: APPROVAL OF INVESTMENT RESOLUTION

The following Investment Resolution was presented for approval:

INVESTMENT RESOLUTION
OF BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY, INDIANA
JANUARY 12, 1987

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, pursuant to Indiana Code 5-13-1-1 et seq. (Acts 1975, P.L. 44, 81, P. 222) is vested with authority to direct the County Treasurer to invest county funds under the control of the Board pending distribution to units of government; and

WHEREAS, the Board of County Commissioners desires to provide flexibility in meeting the financial obligations and other budgetary considerations of Vanderburgh County while maintaining a maximum interest yield on invested county funds;

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS:

1. The Vanderburgh County Treasurer is hereby authorized and directed to invest at his discretion all available local roads and street funds for a period of 180 days and to return all interest earned on deposit thereof into said county local roads and street fund.

2. The Vanderburgh County Treasurer is hereby authorized and directed to invest at his discretion all county cumulative bridge funds for a period of 180 days and to return all interest earned on deposit thereof into said county cumulative bridge fund.

PASSED AND APPROVED by the Board of Commissioners this _____ day of January 1987.

BOARD OF COUNTY COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

ATTEST:

Sam Humphrey, County Auditor

County Attorney

Motion to approve Investment Resolution was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: BOARD OF FINANCE

Commissioner Willner proceeded by announcing that the Board of Finance needs to meet for the purpose of organizing, as follows:

Pursuant to the law, the Board of Finance of the County of Vanderburgh met, for the purpose of organizing, in the County Commissioners Hearing Room, Evansville, Indiana, at 2:30 p.m. on the 12th day of January, 1987, when present were: Robert Willner and Shirley Jean Cox, being duly elected, qualified and acting members of the Board of Commissioners of the County of Vanderburgh, State of Indiana,, and the members comprising said Board of Finance; also, Sam Humphrey, County Auditor of Vanderburgh County, Indiana.

Commissioner Willner moved that Commissioner Shirley Jean Cox serve as President of the Board of Finance, with a second from Mrs. Cox. So ordered.

RE: SCHEDULED MEETINGS

Monday	Jan. 12	4:00 p.m.	Airport Authority Mtg.
Tuesday	Jan. 20	7:30 p.m.	Commissioners Meeting
Tuesday	Jan. 20	5:00 p.m.	Special Mtg. re Roads

RE: OLD BUSINESS

The Chair entertained matters of Old Business to come before the Board. There were none.

RE: EMPLOYMENT CHANGES

Superior Court (Appointments)

J. Douglas Knight	Judge	\$17,940/Yr.	1/1/87
Richard J. Jewell	R. Bailiff	\$16,305/Yr.	1/1/87
Donald L. Erk	Bailiff	\$15,695/Yr.	1/1/87
Donna F. Baumeyer	Ct. Rep.	\$19,695/Yr.	1/1/87
Ronald Freson	P. Defender	\$14,321/Yr.	1/1/87
Dennis Brinkmeyer	P. Defender	\$14,312/Yr.	1/1/87
Jeffery L. Lantz	P. Defender	\$14,312/Yr.	1/1/87
Sigmund V. Labhardt	P. Defender	\$14,312/Yr.	1/1/87

Superior Court Releases)

William D. Stephens	Judge	\$17,940/Yr.	12/31/86
Gayle Spalding	Ct. Rep.	\$19,695/Yr.	12/31/86
Donna F. Baumeyer	R. Bailiff	\$16,305/Yr.	12/31/86
Frank Hooper	Bailiff	\$15,031/Yr.	1/10/87
Ronald Freson	P. Defender	\$13,362/Yr.	1/1/87
Dennis Brinkmeyer	P. Defender	\$13,361/Yr.	1/1/87

Knight Assessor (Releases)

Marjorie Humphrey	Deputy	\$35.00/Day	1/1/87
Annette L. Ellspermann	Deputy	\$35.00/Day	1/1/87

Burdette Park (Releases)

Paula Short	Sk. Cash.	\$4.50/Hr.	12/21/86
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Pigeon Township Trustee (Releases)

Mary Jo Mooney Clerk \$35.00/Day 1/9/87

Cumulative Bridge Appointment

Richard L. Gwinn A.B.E. \$20,000/Yr. 1/1/87

Circuit Court (Appointments)

Donald Vowells P.T. Blf. \$5.00/Hr. 1/2/87
Tracy L. Thread Intern \$5.00/Hr. 1/2/87

Legal Aid Society (Appointment)

Kevin Dean Gibson Atty. \$18,000/Yr. 1/5/87

Prosecutor (Releases)

James E. Rode Dep. \$18,020/Yr. 1/12/87

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting adjourned at 4:00 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. L. Willner Sam Humphrey David Miller
S. J. Cox
R. J. Borries (Absent; in Leadership Evlle. Mtg.)

COUNTY HIGHWAY COUNTY ENGINEER AUDITORIUM

Bill Bethel Andy Easley Kim Bitz

CORONER AREA PLAN OTHER

C. Althaus B. Cunningham S. Biggerstaff
R. Gulick
News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING

JANUARY 20, 1987

The Vanderburgh County Board of Commissioners met in session on Tuesday January 20, 1987, at 7:30 p.m. in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who said the Board has minutes from three (3) previous meetings to be approved. At this time, he would entertain a motion concerning approval of the minutes of December 22, 1986 and January 5, 1987.

Motion was made by Commissioner Willner that the subject minutes be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Borries. So ordered.

A motion was then entertained concerning approval of the minutes of January 12, 1987.

Motion to approve said minutes as engrossed by the County Auditor and dispense with reading of same was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: REZONING PETITIONS TO BE CONTINUED

President Borries announced that the following rezonings (3rd Reading) have been continued. This means that one side or the other (generally the Petitioner) has requested that the following 3rd Readings not be heard this evening:

VC-20-86	Petitioner, Randy McClasky
VC-24-86	Petitioner, Donald J. Folz
VC-26-86	Petitioner, Chal Corporation
VC-27-86	Petitioner, Edward Will et al

Commissioner Borries said it is his understanding that the attorney for Chal Corporation is present, however. If there are individual questions that anyone might want to address to Attorney Keith Wallace, they will be able to do so. Again, as stated, this rezoning will not be heard this evening. Since Attorney Wallace will not be making a presentation, however, the rezoning will not be heard. Approximately six individuals began to exit the meeting. Commissioner Borries expressed appreciation to those individuals for their attendance this evening and expressed regrets for any inconveniences.

Continuing, the Chair entertained questions concerning any of the aforementioned rezonings. There were none.

RE: REZONING PETITIONS

It was noted by ^{Com}President Willner that there are three Rezoning Petitions scheduled for 1st Reading. If they are approved on 1st Reading then they are forwarded to the Area Plan Commission for 2nd Reading and then they return to the Commissioners for a 3rd Reading and final decision/.

VC-31-86/Petitioner, United Methodist Youth Home: Common known address of subject property is 2521 N. Burkhardt Rd. Petitioner requests a change from R-4 to R-0 zoning to bring the existing group home office into compliance with existing codes. The Chair then entertained questions.

In response to query from Commissioner Willner, Commissioner Cox said it is her understanding that this is just a procedural thing. They are not changing any of the facilities, just bringing the zoning into compliance.

Mrs. Cunningham interjected that they want to build some additional rooms to take care of a few more children and also expand the office area.

Mrs. Cox said the information she has does not indicate that.

Mrs. Cunningham said, "No; because all they are doing is seeking the rezoning to bring it into compliance. But that does not preclude its adding on."

The Chair asked if there are any remonstrators present to address the subject rezoning petition. There being none, a motion was entertained.

Motion was made by Commissioner Willner that VC-31-86 be approved on 1st Reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-32-86/Petitioner, Richard Bengert: Subject property is located at 11812 N. Highway 41. Petitioner is seeking a change in zoning from A to C-4 to allow car repair and unspecified commercial leasing.. Commissioner Cox asked if this is not where the Adult Bookstore is located? Mrs. Cunningham acknowledged that this is correct.

The Chair asked if there are any remonstrators present who wish to speak concerning this rezoning? There being no response, a motion was entertained.

Motion was made by Commissioner Willner that VC-32-86 be approved on 1st Reading and forwarded to the Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-33-86/Petitioners, Louis Charles & Joan E. Greif: Common known address of subject property is 7731 Newburgh Rd. The Petitioner is requesting a change in zoning from R-1 to R-0 for a portion of this parcel (the northern 90 ft. of Lot 4) to allow a dentist office.

The Chair asked if anyone is present who wishes to speak concerning this rezoning? There was no response. A motion was entertained.

Motion to approve VC-33-86 on 1st Reading and forward to Area Plan Commission was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

VC-22-86/Petitioner, George Ryan (3rd Reading): Common known address of subject property is 5625 Oak Grove Rd. Petitioner is seeking change from R-3 to M-1. Current use of property is vacant agricultural and proposed use is retail, warehousing, offices and light manufacturing. The Chair then recognized Attorney Mike Mitchell, who said he represents Mr. George Ryan, the owner and petitioner of the property in question.

At the Area Plan Commission meeting, this petition was recommended unanimously for approval. He said he believes the APC Staff Field Report pretty well sets out the location. This is almost a 19 acre tract that Mr. Ryan wishes to rezone from R-4 to M-1. It is bounded on the north by Oak Grove Rd., on the south by what we call the Circle Farm property (which, again, below that is where Mr. Kuhlenschmidt and Regency are putting in their projects on Division Street). To the east is a land trust; one of the principal owners is Dick Rheinhart. To the west there are several owners. The Carriage House Apartments are to the south. This strip of land is about 620 ft. long by 330 ft.

wide. He and Mr. Ryan met with Mrs. Cunningham to discuss the various zoning classifications prior to filing. Based on their discussions and recommendation, they filed for an M-1 zoning. The Staff Field shows mixed zoning in the area, including A, R-3, C-4 and M-2. In addition to meeting with staff, County Engineer Easley held a meeting on December 16th with Mr. Lindenschmidt, Barbara Cunningham, Mrs. Rose Zigenfus of EUTS and most of the property owners were represented. There were minutes drafted at that meeting. At that meeting most of the property owners were in agreement that they were going to cooperate with staff and with the county to dedicate and donate the right-of-way, the various roadways to develop this property in an orderly manner, as well as contributing to the construction of the road to county standards. Based upon those meetings and a meeting with his client and staff and the presentation made at the APC meeting, a Section 4 was drafted to the proposed ordinance for approval by the Commissioners. The Section 4 has been thoroughly reviewed by staff and meets with staff approval. Basically, it says that Mr. Ryan will dedicate and donate his 1/2 of the right-of-way of Royal Avenue (which is the long north/south road) as it comes down to the south part of his property. There was a catch. Carriage House doesn't have any right-of-way to give. So Mr. Ryan is going to have to give and dedicate all 60 ft. of the southern most boundary on the west side, which is adjacent to Carriage House. Then, of course, Vogel Rd. comes straight across his property about in the middle. He will, of course, dedicate and donate the right-of-way and put in the road.

There was one potential remonstrator -- the Carriage House Apartments. They were concerned about what was going to be backed up against their apartment project. This has been worked out. An agreement was drawn by the Carriage House attorneys. That agreement has been signed by Mr. Ryan. Staff has been apprized of that and have a copy of said agreement. The two copies signed by Mr. Ryan have been forwarded to Indianapolis for signatures. They now have no objections to the rezoning at all.

Mr. Mitchell said he does not want to get into a lengthy presentation. He will be glad, however, to answer any questions. He believes the Section 4 speaks for itself and he hopes he and his client have met with all the requirements that the County Commissioners now seeking for long term development of the property.

Commissioner Willner asked if the Carriage House Apartments are going to participate in the actual building of the road?

Mr. Mitchell said he really does not know the answer to that question at this time. Staff indicated to him that there might be some slight right-of-way (10 ft. or so) that might be there. Then, Mr. Ryan would only give 50 ft. However, all of the people who verbally agreed in the APC minutes -- are most anxious to participate. In fact, he thinks Mr. Rheinhardt committed to taking Vogel Rd. on through (not for this rezoning; but it will come before the Commissioners next month) his property. So Mr. Harp and the others are most anxious to participate and get the area developed. As to whether we can get them on the dotted line remains to be seen. But, obviously, Mr. Ryan wants to start developing his property. He's coming down his 30 ft. and building that and he would want to put pressure on the adjacent property owners to have them develop the western half of their road. But he will donate the right-of-way and build the road to county specs for his section.

Commissioner Borries thanked Mr. Mitchell for his presentation. He then asked if there are any remonstrators concerning the subject rezoning request? There being none, a motion was entertained.

Motion was made by Commissioner Willner that VC-22-86 be approved on 3rd Reading, as submitted.

Commissioner Cox asked if this includes the Section 4?

Mr. Mitchell and Commissioner Willner indicated that it includes the Section 4, as submitted.

Mrs. Cox then provided a second to the motion.

The Chair asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared the motion approved by unanimous affirmative vote.

Commissioner Willner requested that Attorney Mitchell convey thanks to Mr. Ryan from the Commissioners for participating in the road and helping the county and eventually the city handle some of the "strongs" for which they lack the funding.. This is very generous on Mr. Ryan's part.

VC-28-86/Petitioner, Larry Gates (3rd Reading): Attorney Alan Hamilton approached the podium and said he represents the petitioner. Subject property is located at 7635 Highway 65 on Big Cynthiana Rd. intersection with Mesker Park Drive. Mr. Gates is requesting that subject property be rezoned from C-4 to M-1 to allow automobile body work and automobile painting at the existing service station. This area has been utilized for a number of years as a full service service station, but it needs to go from C-4 to M-1 in order for him to do additional specified work. The Area Plan Commission recommended approval by unanimous vote. There were no remonstrators. Mr. Gates talked with all of his neighbors and explained what he wants to do. None had objections. At one time the building was also used for lawnmower sales and repair; but he is not continuing this work. Mr. Gates is present this evening if the Commissioners have questions.

The Chair entertained questions.

Commissioner Cox said the report from EUTS points out that the two curb cuts nearest to the intersection do not meet the intersection setback requirement of 50 ft. Was Mr. Hamilton aware of that?

Mr. Hamilton said this is the first time he's heard about this. APC Staff had indicated they would get in touch with him if any additional rights-of-way or whatever were needed. Mr. Gates acknowledged that he, too, was unaware of this.

Mrs. Cunningham said this has been an existing business in this area for many, many years. Sometimes APC asks if they're going to do a big remodeling program or if anything is going to change that they meet code requirements. If this came in as a new site plan, they would not approve this. But they would not necessarily insist that they change the whole flow (because this is 189 ft.; to close the one curb cut she doesn't think would work on that width of frontage). She does not believe the APC made note of this at their meeting. That is probably why Mr. Hamilton was not aware of EUTS' recommendation.

Commissioner Borries said, "If the petitioner would have plans to expand this operation, you're saying then that if there is expansion of this existing business that the code will have to be followed?"

Mrs. Cunningham stated, "If they come in and do another building, the whole site plan is a commercial development and would be looked at. And that is a possibility.

Mrs. Cunningham asked Mr. Gates if he could close the curb cut on Mesker Park Drive?

Mr. Gates again said he did not know anything about this and the curb cuts have been there for 25 years.

Commissioner Willner said he doesn't think it is a problem. He knows this has been a service station for at least 25 years.

In response to query from Commissioner Borries, Mrs. Cunningham explained that the ordinance now states that you cannot have a curb cut closer than 50 ft. to the road intersection. If this came in new, they would have to follow the current ordinance.

Commissioner Borries said that if there are going to be any extensive changes to what already is there -- Mr. Gates does understand that he will have to comply with the 50 ft. setback requirement in accordance with current code?

Commissioner Cox stated that it is better for Mr. Gates to know this now than learn it somewhere down the line when he gets ready to do something.

The Chair entertained further questions of Mr. Hamilton and Gates. There were none.

The Chair then asked if there are any remonstrators present who wish to speak to this rezoning? There being none, a motion was entertained.

Motion was made by Commissioner Willner that VC-28-86 be approved on 3rd Reading, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries yes. President Borries declared the petition approved by unanimous affirmative vote.

VC-29-86/Petitioner, Paul Neville (3rd Reading): Common known address of subject property is 200 S. Boehne Camp Rd. Petitioner is requesting change from Agriculture to R-4.

The Chair recognized Attorney Les Shively, who stated he is present to represent the petitioner. Attorney Shively said the property is located between Boehne Camp Rd. and Red Bank Rd. In 1984, this property was rezoned and the property adjacent to it was rezoned (owned by the same people who own it now). At that time, however, for no reason he and his client can understand, there was approximately three (3) acres left out of the legal description. What they're doing now is simply cleaning up the record to rezone what was inadvertently left out in 1984. This is consistent with other R-4. There are other R-4 parcels in the immediate area. This particular project will result in the construction of 320 unit multi-family apartment complex. But, more importantly, will result in the extension of the city sewer system at the cost of the developer. The easements dedicated to the City and the Utility Board will provide an extension of sewer service to that area which will greatly enhance the development possibilities in that area. So not only will this be a good project for Mr. Neville, but it will be a good project for Vanderburgh County.

Attorney Shively said Mr. Paul K. Neville, Jr. is with him this evening and they will be glad to answer any questions concerning this particular request.

Continuing, Mr. Shively said he would note the particulars as to how the building is going to be laid out, etc. They obviously will have to comply with the zoning code and the number of parking places, etc. They will seek Drainage Board approval. Right now they are in the process of getting the sewer plans approved by the Utility Board. They will have to have some approval from the Site Review Committee, when they have more detailed plans. Right now they are at the conceptual stage.

Commissioner Borries thanked Mr. Shively for his presentation and entertained questions.

Commissioner Cox asked if they have already started work on the development?

Mr. Neville responded in the negative. He said the previous owners had sold some dirt to the highway project for the expressway and several thousand yards of dirt were taken out of there and sold as fill for the overpasses, etc.

President Borries asked whether anyone is present who wishes to remonstrate?

Commissioner Cox addressed Mr. Neville and asked, "When this dirt was taken off the property before, the neighbors really suffered a lot with dust problems. Can I ask that when you start your construction out there that you either hose down or do something to keep the dust problem down, because it really was an aggravation to the neighbors?"

Attorney Shively said, "If I may speak for the Nevilles; first of all that property was not owned by the Nevilles at that time. The property was under different ownership by a group out of Indianapolis. Secondly, as far as Paul Neville and the scope of his projects, I can only say to you that Village Green, Sugar Mill Creek Apartments, and Bryce Apartments are three of the most quality projects not only in the finished state but during the construction phase. We will use the same amount of quality in the construction of this project as we have before. We will observe all the dust abatement and dirt abatement rules."

Mrs. Cox said, "Thank you very much."

The Chair entertained a motion.

Motion was made by Commissioner Willner that VC-29-86 be approved, with a second from Commissioner Cox. The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. President Borries declared the motion approved by unanimous affirmative vote.

VC-30-86/Petitioner, Mac's Cookie Company (3rd Reading): Common known address of subject property is 4407 Huebner Lane. Petitioner is requesting change from Agriculture to C-4. The Chair then recognized Attorney Ed Johnson, who stated he represents Mac's Cookie Company (the petitioner) and Mr. and Mrs. Russell McIntosh, the owners of subject real estate. The owners are seeking to rezone a very small portion of subject real estate to C-4 classification so that they may continue the operation of storing cookies.

The owners purchased the property and built a home. (Mr. Johnson then proceeded to hand photographs to the Commissioners for their perusal.) The home is on a 3.4 acre tract of land. At the same time, they built another structure for their cookie business (which Mr. McIntosh has been for a long time). Mr. Johnson then handed photographs of subject structure to the Commissioners for their perusal. The structure is used to warehouse and store cookies. They have deliveries about twice a month. Once a day, three very small panel-type trucks come out, pick up the cookies from the metal building and make deliveries across the tri-state area. They did not seek to rezone the entire 3.4 acres. They are only requesting to rezone 1/5 of one (1) acre, and the legal description in the rezoning ordinance is for approximately 1/5 of one (1) acres, which is just enough land to encompass the particular structure shown in the photograph. Thus, the Commissioners can be assured that there will not be any expansion of that particular building as a result of this rezoning.

In addition, they have also provided to the Area Plan Commission, as a condition of the zoning, a covenant which restricts the use of that particular building to either a storage facility for cookies or agricultural or residential. There can be no other

uses permitted in that building at all. Tonight he has been informed that one sentence has to be deleted from the covenant. Otherwise the covenant has been released to the Area Plan Commission. Should the rezoning be favorably passed tonight, they will provide the Area Plan Commission or Attorney Curt John with money sufficient to record the covenant -- a covenant restricting the use to agricultural, residential or cookie storage and it would be enforceable by any citizen of Vanderburgh County. It is not something that has to be enforced by any public body. It can be enforced by any of the neighbors or, again, any citizen of the county. He said he believes they have demonstrated they are making an attempt to rezoning as small a geographic area as possible. He does not think the Commissioners will see any neighbors present tonight to remonstrate, the reason being that Mr. and Mrs. McIntosh keep their property up and they are very good neighbors. In fact, they are a credit to the neighborhood. What was there prior to the their acquiring the property and building their home and the metal building was much worse. In fact, the neighbors have executed a consent to the rezoning, which has been filed with the APC. There was only one neighbor who did not sign; not because he had any objection, but because he simply didn't want to sign it. The consent showed the zoning classification and land use; so they put down in black and white what the neighbors were consenting to.

Attorney Johnson said that from the subject site you can see other C-4 zonings, particularly the 84 Lumber Yard. As you move toward the Daylight area, you will see some very heavy commercial uses and other buildings similar to that constructed by his client, except they are not as nice.

Mr. Johnson said he thinks the zoning is good, the land use is good and it is requested that the Commissioners approve the petition. Mr. McIntosh is also present and will be glad to answer any questions the Commissioners might have.

The Chair entertained questions. There being none, President Borries said that were the rezoning approved, would Attorney Johnson be willing to record on any kind of deed that for any reason should Mr. McIntosh move, that this particular building would be reverted to agricultural use?

Mr. Johnson and his client both verbally indicated their agreement to do so.

Commissioner Cox said she believes the Board has requested the same thing of others and this is a very small area. But in the event they do decide to sell that ground, she believes Mr. Borries is asking whether they, before they perfect the sale of the ground, would come back before the Area Plan Commission and request that that zoning be returned to agricultural?

Mr. Johnson and Mr. McIntosh again verbally agreed.

The Chair entertained further questions. There being none, President Borries then asked if there are any remonstrators present who wish to speak concerning this rezoning petition?

There being none, a motion was entertained.

Motion was made by Commissioner Willner that VC-30-86 be approved on 3rd Reading, with the stipulation presented, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. President Borries declared the motion approved by unanimous affirmative vote.

Attorney Curt John asked if the covenant was included in the motion?

Commissioner Willner acknowledged that it was.

Attorney John said there is a small conflict there; one being the covenant and one being the stipulation.

Attorney Johnson asked if this cannot be cleared up by way of an amended covenant, limiting the use to cookie storage while the property is owned by the McIntoshes and stating that if for any reason the property changes hands, then Mr. McIntosh would appear before the APC and request that the zoning revert back to agricultural prior to completion of the sale of the property. He can get the amended covenant to Attorney John to be recorded.

Attorney John agreed that this would be satisfactory.

RE: AWARD OF ANNUAL BIDS

The meeting proceeded with President Borries reading the following letter from Mr. Tom Dorsey of the Purchasing Department:

To: Vanderburgh County Commissioners

From: Tom Dorsey - Purchasing

Re: Award of Annual Bids

Date: January 20, 1987

I have reviewed the bids submitted for various items which we award on an annual basis and I respectfully submit the following recommendations:

<u>Item</u>	<u>Vendor</u>
1) Tires & Tubes	Reis Tire
Bus Tires	Raben Tire
2) Oil Products	Wannemuehler Oil
3) Surfacing Materials	

I.C. 36-1-12-4 provides for the award of multiple contracts based on geographic factors and the bid specifications stated that "the closest supplier will be used to provide for the most cost effective purchase of supplies."

I therefore, recommend that multiple contracts be awarded to Jerry David Enterprises, The Rogers Group, Inc. and J. H. Rudolph Co., Inc.

The Chair entertained a motion.

Motion was made by Commissioner Willner that the Board approve the recommendations of the Purchasing Department, with a second from Commissioner Cox. So ordered.

RE: ORDINANCE RE DIVISION OF POWERS & VOTING MACHINES - HAROLD ELLIOTT, COUNCILMAN

The Chair recognized Councilman Elliott.

Mr. Elliott said he will touch briefly on the Ordinance pertaining to Division of Powers between the County Commissioners and the County Council. He will give the secretary the original signed copies of the ordinance and present extra copies to the Commissioners. The matter has been discussed previously so he will not go into a lengthy presentation. Rather, he will just say that in Lake County and St. Joe County he has been assured by the County Council President and the County Commission President that the division of powers is working fine in both counties. The subject ordinance will become effective when signed by both bodies. He personally would prefer an effective date of January 1, 1988, so the Commissioners and Councilmen could have several joint meetings before this date, thereby facilitating as smooth a

transfer as possible. He said he came a bit early tonight to observe the legislative functions on the off-chance that he might be performing the same functions in the not too distant future. He would urge the Commissioners to disregard personalities when making their decision and cast their vote based on the constitutional concept of proper checks and balances in county government. He doesn't think there is a single person sitting up there who would advocate that the President of the United States assume the legislative functions of the Congress including the fiscal powers. He doesn't think they would want to see the Governor assume the legislative functions of the State Legislature. Or, closer to home, have the Mayor assume all the functions of the City Council. If the Commissioners have questions of him now or the Council in the future, they are always welcome to their County Council meetings.

Voting Issues: Continuing, Mr. Elliott said the next item is just a suggestion concerning voting issues. In November, they had a meeting of the Association of Indiana Counties in Indianapolis and he was looking over the voting machines. He saw two electronic machines that he really fell in love with. One of them cost \$3,000 and the other was \$4,200. The Executive Secretary of the Association can provide the names of the manufacturers. (One of them was the MicroVote machine.) The major difference between the two machines insofar as price was concerned was the secrecy panels. He would like to recommend to the Commissioners that they consider buying or leasing one of these machines for a year. Every four years we have six elections, Primary and General. If in twenty years we had thirty elections, and in twenty-eight years had forty-two elections, it would be feasible to take this machine and put it in one of the larger offices or place it in the hallway on the first floor and invite the employees and the general public to cast votes several times and we could hold an election every week. This way we could observe how the machine will stand up to the wear and tear of 28 years of elections. This electronic machine has safeguards that the punch card system does not have. For instance, were one of the Commissioners running for election next year and the voters could only vote for one (1) individual, he knows cases where people have punched two votes. Of course, that kills the vote. With an electronic machine if you vote for one and try to vote for the second, the machine will not take it. The machine also has a feature where you can take readings on it several times during the day. After the polls close within an hour you could have the unofficial results. He thinks it would be worth the money just to try out the system. He doesn't know whether the Commissioners are aware of it or not, but a bill has been introduced in the legislature to make punch card voting illegal. He has never liked punch card voting because of the fact that it is too easy for a person to lose their vote. If the Commissioners would consider trying out the electronic machine, he would appreciate it and he believes the public would, too. If the machine is out in the hallway and tested and you have the equivalent of 42 elections on it you have some idea of how it is going to last. Mr. Elliott then entertained questions.

Commissioner Cox asked if there is an audit trail with this machine?

Mr. Elliott responded in the affirmative, saying there is a tape that records each vote. There is a master button and you can check every vote made. You can change your mind anytime you want to. With a punch card system, you can't do that.

Commissioner Cox said, "No, I mean, is each individual vote recorded on the tape?"

Mr. Elliott responded in the affirmative.

Commissioner Cox asked if they run in order? If anyone wanted to see how the fourth voter who came into that precinct voted, they could see how the number four voter voted?"

Mr. Elliott responded in the affirmative.

Commissioner Borries asked, "How would that be private?"

Mr. Elliott apologized, saying he did not understand Commissioner Cox's question. The votes aren't in numerical order. Is that what Mrs. Cox means?"

Mrs. Cox said, "I asked you if there is an individual record or whether these votes just go to an accumulative total?"

Mr. Elliott said it does not identify the voter. There might be forty names on the machine and each of the forty names would get a vote. But there is no way to identify the number.

Mrs. Cox said "The position would identify the voter. Right now you have an individual punch card that goes into a box that gets mixed up with everyone else's, so there is no identification. But that is one of the fallacies of the electronic machines. Many of them don't even have an individual vote. They are accumulative vote like the old lever machines were.

Mr. Elliott said this is one of the things they could talk to the manufacturer of the machine about. When he worked on the old manual machines, they used to call in the totals about 6:30 or 7:00 p.m., and they knew who won the election. You don't have that now. If this bill passes in the legislature, then we're going to have to replace the punch card machines.

Commissioner Willner said that when they decided on the punch card system two years ago, they looked at the state-of-the-art system at that time and decided (for reasons too numerous to mention tonight) that they would rather go back to the paper ballots than buy one.

Mr. Elliott said there might have been some improvements during the two year period; it wouldn't hurt to look.

Commissioner Willner said, "But you still have the very, very remote possibility of gross fraud without a positive trail."

Mr. Elliot asked, "What do you mean gross fraud?"

Commissioner Willner said "That's just the way it is."

Mr. Elliott said, "Each voter goes in there and cast his ballot on that machine for everyone he wants to vote for, then he hits the total button and records the votes."

Commissioner Willner asked, "When I vote for Harold Elliott, how do I know that it doesn't register for his opponent? How do I know that?"

Mr. Elliott said, "Because the machine is made that way."

Commissioner Willner said, "It is electronic. Even the U. S. Army computers are broken into every day; and they change the bank statements. There is no guarantee that they couldn't do that with a voting machine the same way they do with the computers at the banks."

Mr. Elliott said, "There are an awful lot of witnesses at the polls on election day."

Commissioner Willner said, "I'm just telling you that for many many reasons we rejected that simply because of nobody really being able to tell..."

Mr. Elliott said maybe things have changed.

Commissioner Willner said he'd be glad to have another demonstration.

Mr. Elliott said, "Well, I do like to see a person's vote protected and it's not at all protected on a punch card. There is no safeguard. It's too easy for a person to vote for three where it says to only vote for two, and when they do it kills that vote in that race."

Commissioner Cox said, "That is one of the shortcomings of the punch card system. But that is the only shortcoming I can see, plus the fact that if you go back and look, the legislature themselves made some of the changes. Too many people are still handling those ballots. That needs to be cut. Not that many people need to be handling the ballots. I don't care what kind of system you have, Harold, it is only as good as the people you have working with it. And there are always those people who are out to try and find out how to beat the system. I worked under the old lever machines and the paper ballots, and you might think you had totals in within an hour; you had unofficial totals and if it was a close race you didn't know until maybe the next night or the next day, because sometimes the precincts didn't even get in (if they had 40, 60 or 70 absentees to count they didn't even get into this building until after midnight). Some of them we had to go out and find, who stopped along the way before coming down to turn in their supplies. But over vote is what you really have to caution people about."

Commissioner Willner said, "Harold, the second thing was cost. it was absolutely an astronomical figure to equip Vanderburgh County."

Mr. Elliott said the cost keeps going down with master production.

Commissioner Cox said, "You'd have to have one of these for every so many voters. Right now we have four and five machines in some precincts."

Mr. Elliott said that with an average of three machines per precinct the cost would be \$1.4 million. By 1990, we could pay cash for those."

Commissioner Cox said it doesn't hurt to look.

Mr. Elliott said, "That's what I'm saying. Anytime something new comes along I like to look at it."

Commissioner Willner said, "You should have been to all of our meetings. We looked at all of these two years ago. We looked at everything."

Commissioner Borries said, "If there are things out there, we have to be sensitive to that. But I think there are several concerns I have. First of all, we don't want to confuse the voters with a new gimmick every year. I can remember when calculators first came out, I thought I had a real bargain at \$60.00. Now I have them for less than \$5.00 and they do more and have better functions than the \$60.00 models. So if we're not careful, we're going to end up with a junkyard of voting equipment. The other thing is you can be working on one -- I was working on one during a lesson and all of a sudden I saw some things on it that just weren't there -- we had an electrical surge and everything was lost. I pulled the disk out and was able to see what happened. I appreciate your suggestion, Harold, but I don't think we have a panacea on the market yet that is going to perfect the voting thing as long as human beings are involved. I'm talking about a computer at this point but anything that has electronics is going to have problems in terms of electrical surges where you can lose your whole trail and I have some real concerns about it."

Commissioner Willner said "Not only electrical surges, but power outages -- where you lose your whole vote. You'd have to come back tomorrow to vote."

Mr. Elliott said he has never had any problems with power outages on calculators; he has with computer system. But that is completely different.

Commissioner Willner said he believes MicroVote was in here a couple of years ago but we'll have to check the records. Maybe they have some new machines out now and, if so, he'll be glad to look at same.

Mr. Elliott said that when he talked to the man he asked him dozens of questions and he answered every one of them to his satisfaction. So maybe things are a little different than they were the last time.

The Commissioners expressed appreciation to Mr. Elliott for his presentation.

RE: COUNTY ATTORNEY - CURT JOHN

Parking Gates/Auditorium: Attorney John reported that the parking gates at the Auditorium Parking Lot are now working. The supplier had to replace the entire interior.

Commissioner Borries said that if the arms are working this kind of weather, then we've made a major step forward. He then expressed appreciation to Mr. John for his assistance in the matter.

Maintenance/Sheriff's Vehicles: Mr. John said he received a telephone call today inquiring about maintenance on Sheriff's vehicles. He referred the caller to Sheriff Shepard so he could schedule a presentation.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Reports: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period of January 12 thru January 16, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Burch Drive, Broadway, Buente Rd., McCutchan Rd., Green River Rd., Sheriff Sub Station

Rip-Rap: Maasberg Rd.

Trash: Green River Rd., Millersburg Rd., Oak Hill Rd., Burkhardt Rd., S. Weinbach, Lynn Rd. and River Rd.

Tree Crew: Hillside Rd. and Waterworks Rd.

Rock & Grade : Cypress-Dale, Shore Drive, Schissler Rd., Long Rd., Seminary Rd., Old Henderson Rd., Golden Rule, Sheriff's Sub Station, Old 57 by Rudd Construction Buente Rd., and Lexington Ave.

Patch Crew: St. Joe Avenue, Upper Mt. Vernon Rd., Buente Rd., Raintree, Westmore Drive, Adler Rd., Woods Ave and Greenbriar Drive

Work Report/Bridge Crew: Also submitted for the same period was the Work Report for the Bridge Crew.....report received and filed.

- Installed a drop box on Syl's Drive
- Repaired rail on Old Henderson Rd.
- Rip-rapped Newman and Volkman Rds.
- Replaced pipe on Browning Rd.
- Extended culvert on Buente Rd.

- Cleaned shed at Vanderburgh County Highway Garage and worked on installation of sidewalk.
- Prepared for replacement of drop inlet at the intersection of Sunrise and Old State Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Paving of Shoulder on Mesker Park Drive: Commissioner Willner queried Mr. Bethel concerning the area on Mesker Park Drive by the cemetery. The residents out there were wanting a sidewalk.

Commissioner Cox asked that the area be designated a paved shoulder, not a sidewalk. It was noted that this will be a walkpath on the county right-of-way, rather than a sidewalk..

Mr. Bethel said they could install blacktop on the shoulder.

Old State R.R. Bridge Washout: Mrs. Cox queried Mr. Bethel concerning the washout on Old State Railroad Bridge mentioned previously by Commissioner Willner.

Mr. Bethel said he turned this over to Mr. Easley.

Mr. Easley said there is considerable erosion in the shale material on the south approach of that bridge. They can repair it as soon as the weather permits. They are looking for a source of cheap dirt close to that facility. It has been suggested that they try to get some from the railroad off the right-of-way. As soon as he lines up some dirt he will present an estimate to the Board.

Commissioner Willner said there is some dirt available immediately about 10 yards due east of the project. A gentleman is going to build a lake and he would say that if Mr. Easley contacts him that he would probably give him the dirt within sight of the project. He can't recall the gentleman's name, so Mr. Easley will have to check the tax code. But it is the open field due east of the project. If we just make his lake three or four feet deeper, then we can have the dirt. He may use some of that dirt, however, to raise the lot so he can build a home on it.

RE: COUNTY ENGINEER - ANDY EASLEY

Guard Rail for Burkhardt Rd.: Mr. Easley asked whether the Commissioners want to discuss the additional guard rail for Burkhardt Rd., for which he submitted estimates last week? In response to query from Commissioner Willner, Mr. Easley stated the following figures:

with optional brace and using 12 gauge, the material would cost \$33,420.00. 3,000 ft. of guard rail needs to be installed.

Commissioner Willner asked whether we can install this ourselves?

Mr. Easley said they have installed it in the past and he doesn't see why they couldn't install this.

Commissioner Willner then queried Mr. Easley as to how many feet are within 500 feet of the bridge over Crawford-Brandeis Ditch?

There was brief discussion as to whether bridge fund monies can be used for this project, rather than highway funds. Commissioner Willner said he wants to use bridge fund monies if at all possible.

There was further discussion pertaining to guard rail currently in place on Burkhardt Rd. and the guard rail to be installed and the safety standards of same. Mr. Easley said he will verify this information.

Commissioner Borries said he wants the guard rail to conform to current safety standards.

After further brief discussion, it was the consensus of the Board that the guard rail yet to be installed should match the guard rail that is currently in place. Mr. Easley had indicated that for the \$9,000 difference in price the Board might want to go with 12 gauge as opposed to 10 gauge, and he thinks it would do just as well. Commissioner Willner said he presumes that that guard rail will be there for the next 100 years and he would think the 10 gauge would last many, many years longer than the 12 gauge. The difference in cost would probably amount to some \$10.00 per year. It's like anything else, you get what you pay for. It was the consensus of the Board that the guard rail to be installed should match the existing guard rail and the posts should be the same type as those currently in place.

The Chair entertained a motion.

Motion was made by Commissioner Willner that Mr. Easley be authorized to purchase the 10 gauge guardrail and 6 x 6 posts and pay for as much as possible out of bridge fund monies, with the balance to come out of highway funds. A second to the motion was made by Commissioner Cox. So ordered.

Rollet's Lane/Bridge Culvert: Mr. Easley then asked if the Board had made a decision concerning the Con/Span for Rollet's Lane and Broadway? He showed photos he had received since the last meeting. He said there might be one Con/Span installation in Kentucky, but they might have to go to Ohio to see same. He has not had an opportunity to check out the runaround suggested by Mrs. Cox last week. The Commissioners agreed that this is a pretty structure.

Mr. Easley proceeded by apprising the Board of test results, signed by a testing company official. The heaviest thing on the highway today is an H20 loading equivalent to 25,000 lbs. When testing, the structure withstood a 55,000 lb. load before showing any signs of cracking. The ultimate load was 136,000 lbs., which resulted in continued opening of cracks, but no collapse.

In response to query from Commissioner Borries, Mr. Easley explained that there would be four (4) 8 ft. wide units and we'd have 32 ft. of culvert width. This would allow for a 24 ft. pavement and two (2) 4 ft. shoulders for pedestrians and bicycles. He believes this would be adequate. The guard rail would be outside the headwall. Weather permitting, he believes there would be 10-15 days of construction activity which would see the culvert installed, excluding the asphalt pavement. They may have to travel on crushed stone until they get the asphalt down. He believes it would be desirable to accomplish this project in March. In response to query from Commissioner Borries re cost, Mr. Easley said \$56,000 -- and if the runaround isn't needed, the cost would be somewhat less. We'd have to hire a contractor to do the excavation and construct the footings. We would buy the concrete for the footings and supply a heavy crane to lift the units. A contractor would help set them. The people who make them said they have set one unit in fifteen (15) minutes. They would ship the units all the same morning and we'd communicate and have everything ready. It would take crushed stone to backfill the culverts and we'd buy that at our price. And we'd need the asphalt for the roadway. When the project is completed, he would guess it would come in at \$56,000. The nice thing about the Con/Span is that we can scoot the stream away from Broadway, because it is already eroding Broadway. It needs to be scooted southerly away from Broadway. To put a bridge in there would probably cost an estimated \$80,000, including the pile supported abutment, because we'd be out in the middle of the channel.

Commissioner Willner asked if the Board can take this under advisement for another week?

Commissioner Cox said she doesn't know why the culvert has to be 32 ft. wide.

Mr. Easley said the standard lane width is 12 ft. We build 24 ft. wide streets in small subdivisions.

The Commissioners indicated they want to go out to the site and review the situation; but this is an interesting concept.

Mr. Easley noted that culverts like this do not ice up every time it gets cold, like a bridge does, because it would have 23 inches of fill over it and it shouldn't take any maintenance. It will be paved with asphalt, which is helpful, because the salt will not attack the asphalt.

Notice to Proceed/"B" Street Underpass Design: The meeting proceeded with Mr. Easley reading the following letter from Hayes, Seay, Mattern and Mattern:

January 16, 1987

Mr. R. Andrew Easley, Jr., P.E.
County Highway Engineer/Vanderburgh County
325 Administration Building
Civic Center Complex
Evansville, IN 47708

Re: Design of a Seaboard R.R. Underpass on
"B" Street/Vanderburgh County/A&E Commission
No. 2854

Dear Andy,

We are in receipt of your Notice to Proceed dated 12 January 1987, and are enclosing herewith a copy of our two subcontractor agreements for the County of Vanderburgh's approval. The agreements include the land surveying by Warrick Engineering, Inc., and the subsurface geotechnical investigation by ATEC Associates,, Inc.

We will proceed on the subject project upon County approval of the sub-contractor agreements. If there are any questions or comments, please do not hesitate to contact us.

Very truly yours,

HAYES, SEAY, MATTERN & MATTERN
J. Scott Hodge

In response to query from Commissioner Willner, Mr. Easley said that ATEC are soil engineers and he believes they are out of Indianapolis.

Claim/Morley & Associates: Mr. Easley presented a claim to Morley & Associates in the amount of \$2,599.71 for November period on Burkhardt Rd. project. He said Morley has provided him with mark-up prints and bound volume of all the paperwork and he would assume they are just about finished. It is his recommendation that the claim be paid.

Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Borries, he said Mr. Morley indicated they had reviewed it with Vincennes. He did not specifically ask Mr. Morley if they were completely finished, but he would say that they probably are.

Commissioner Willner requested that Mr. Easley check with Mr. Morley to determine whether, indeed, they are finished.

With regard to search for additional room for the County Assessor, Commissioner Cox said Commissioner Willner asked that she also look into this. She tried several times to contact Mr. Angermeier, the last time being Friday when he was out of town. She does, however, have a suggestion. There is a big entry hall that goes back into all the Assessors' offices. She doesn't think many people use this area. It occurred to her that this space could be utilized. She got the idea when she saw the Prosecutor's request come in for some remodeling and changing of glass doors. They can slip these panels in almost anywhere. Mr. Angermeier has a lot of room in the front part of his office if he could move the glass doors down a bit and run his office on out -- this would give him a whole section. Mr. Steel (the Recorder) has all his microfilming cameras and support equipment for microfilming up against and into the wall adjoining the County Assessor's office. She did not get to speak with Mr. Dorsey (Pigeon Township Assessor) either. But she does not think either of the officeholders adjoining Mr. Angermeier's office are very amenable to relinquishing any of their space. So utilizing the section in front of Mr. Angermeier's office would be an alternative. She doesn't know how much additional space is needed, which is why she wanted to talk with him.

Commissioner Borries said that if Mrs. Cox can meet at 2:30 p.m. on Friday, they can go down and see what can possibly be done. Messrs. Angermeier, Sam Humphrey, David Goad, etc., had gone to Franklin, IN to look at a system.

Mr. Humphrey said the system, itself, is an excellent system. Once they have the information to put into the system, it is an excellent system.

Commissioner Cox said that once the Assessor gets information into the computer, this could possibly free up some of the physical space they are currently using for storage. Maybe that would give them some breathing room. But the space in front of the Assessor's office is the only space she can see in the area.

Mention was made of the election office, but Commissioner Cox indicated this would not be feasible; having spent eight years up there, she knows.

Commissioner Borries said the Board will continue their search. He knows Mr. Angermeier is concerned about it and he has the right to the right amount of space. But the problem is that space is so limited. They do not know at this time whether changes will be in the offing in the future; this is why they are having to look at a lot of other options.

RE: CLAIMS

David Miller: Claim in the amount of \$606.75 for services re several condemnation foreclosure cases, which are verified. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Borries. So ordered.

David Jones: Claim in the amount of \$308.00 (a final claim) for his services thru December 31, 1986. Attached is a letter from Mr. Jones indicating he has changed law firms. He is now with Jones & Wallace. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Helfrich Insurance: Claim in the amount of \$5,492.00 to cover premiums for Public Employees Blanket Bond (\$50,000) and Public Employees Blanket Bond (\$100,000). These are three year bonds and this is the second annual installment. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Sheriff's Department (Releases)

Arella Ray Patrolman \$20,247/Yr. Eff: 1/13/87

Hillcrest-Washington Home (Appointment)

Connie Davis (Oldham) Supt. \$22,185/Yr. Eff: 1/1/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned a 9:40 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries
R. L. Willner
S. J. Cox

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

AREA PLAN

Bill Bethel

Andy Easley

B. Cunningham
B. Behme

OTHER

Keith Wallace, Atty.
Ed Johnson, Atty.
Mike Mitchell, Atty.
Alan Hamilton, Atty.
Larry Gates
Mr. & Mrs. R. McIntosh
Paul Neville, Jr.
News Media
Others (Approximately 30 individuals
interested in rezoning petitions)

SECRETARY: Joanne A. Matthews

Richard J. Borries
Robert L. Willner
Joanne A. Matthews

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 26, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, January 26, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

President Borries called the meeting to order at 2:35 p.m. and subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Cox that the minutes of January 20, 1987, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Willner. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN EASTLAND ESTATES, SECTION D

President Borries said that Mr. Kattmann (one of the developers of the subdivision) is here for Mr. Bussing, requesting a waiver for sidewalks in Eastland Estates, Section D.

Mr. Kattmann said they have previously appeared before the Commissioners regarding Sections A, B and C; they are now here in regards to Section D. The streets have either been accepted or are in the process of being accepted. Sidewalks have already been waived in Sections A, B and C.

Commissioner Cox asked to see the subdivision plans and Mr. Kattmann complied by presenting same.

Having perused the plans for several minutes, a motion was entertained.

Motion was made by Commissioner Willner that the request be approved, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN REISING SUN SUBDIVISION

Mr. Aaron Biggerstaff of Associated Land Surveyors was recognized by the Chair. He presented a memo (with copy of plat attached) requesting waiver of sidewalks in Reising Sun Subdivision. He indicated that the drainage plans for said subdivision are to be heard at the Drainage Board meeting which will be held subsequent to the Commissioners meeting.

Continuing, Mr. Biggerstaff said this is a 6-lot subdivision. There are no sidewalks across the street, and there appears to be no need for sidewalks in the area. County Engineer Andy Easley stated in Subdivision Review Committee meeting that, in his opinion, sidewalks are unnecessary. He indicated however, that the decision would be up to the County Commissioners.

The Commissioners spent several minutes perusing the plat. It was noted by Commissioner Cox that with the exception of Lot 5, all of the lots have exit/entry on Jobe's Lane.

The Chair entertained a motion.

Motion was made by Commissioner Willner that the request be approved, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS, CURBS & GUTTERS IN
BROWNING ROAD ESTATES WEST, SECTION 2

President Borries said he also has a request from Mr. Fred Kuester for waiver of sidewalks, curbs, and gutters in Browning Road Estates West, Section 2. The Chair then recognized Mr. Kuester, who was present.

Mr. Kuester stated that he is present to represent Messrs. Bill Wedeking Sr. and Jr. He proceeded by sharing the plans with the Commissioners for their review. He said the Wedekings plan on putting rip-rap in the side ditches -- any side ditch that has 8% grade or greater.

Questions were raised by Mr. Gwinn, assistant to the County Engineer. He said the only objection they had was that, for numerous reasons, geotextile matting (drainage paper) be applied under the rip-rap. He suggested several suppliers to Mr. Kuester who have this type of matting available.

Mr. Kuester said he will talk with the Messrs. Wedeking, and if this is a requirement, they could do that.

Commissioner Cox asked Mr. Kuester if this plan fairly well matches up with the road plan he currently has there now?

Mr. Kuester said that is correct. There are no curbs, gutters or sidewalks and the drainage is adequate.

Following several brief comments, a motion was entertained.

Motion was made by Commissioner Willner that the request be approved, with the stipulation that the drainage paper be installed under the rip-rap, with a second from Commissioner Cox. So ordered.

RE: AREA PLAN - DIVISION STREET GROWTH MANAGEMENT REPORT

Mrs. Cunningham said she hopes the Commissioners have had an opportunity to review the Division Street Growth Management Report. Chris Forney and Joe Ballard, who have worked on the plan, are also here today to answer any questions the Commissioners might have.

The Division Street Growth Management Report was precipitated as an outgrowth of the Comprehensive Plan. With the construction of the Division Street Expressway and I-164 and the continued growth of the Green River Road area, the area to the north of the Division Street corridor will experience significant development and growth pressures. This report examines the impact on development in the area and speaks to planning prior to development and, without such planning, growth will occur in a haphazard and piecemeal fashion, resulting in traffic congestion, excessive curb cuts, inadequate transportation network, poor drainage, etc., etc. So this report is intended to mainly and only provide information and serve as possibly a policy guide to assist the decision makers in land use decisions. It is arranged in five (5) sections: Introduction, Review of Existing Conditions, Review of Future Plans and Conditions, Generalized Use Plan and Summary and Recommendations. There are a couple of major issues that were brought to the attention of both the APC and City Council and they speak to the south side of Division Street as being primarily residential. But it still has a sizable amount of vacant land. Should this land be restricted to residential uses or is commercial acceptable? She thinks it has been the consensus that the decision makers have decided that the south side of Division would remain residential. The plan suggests residential uses, except for perhaps in the I-164 interchange area east of Fuquay Road. That area would be a lot of off ramps and commercial areas. Maybe the Commissioners would want to look at this area with regard to apartments and low traffic commercial growth appropriate toward the interchange.

Another issue brought up in the report is the availability and capacity of utilities. As the report indicates, extensive future developments may be limited due to the availability and capacity of sanitary sewers and water service. If utilities are not available, the APC and County Commissioners need to consider the implementation of piecemeal growth and development. They ask if the Commissioners want to develop any specific policies to deal with this? This report is similar to the report given to the Commissioners earlier (North Green River Road Growth Management Report). As she said before, it is an offshoot of the Comprehensive Plan and it has many policies similar to the Comprehensive Plan. Mrs. Cunningham then entertained questions.

Commissioner Willner said APC did a good job.

Commissioner Borries said the Board appreciates Mrs. Cunningham's work on this and he would want to say that he thinks that, as Mrs. Cunningham pointed out, there have been decisions here -- particularly on the south side of Division -- to keep that section (even though there are still some open areas) residential. He thinks that has been the decision of the Commissioners on almost every rezoning in that area. Personally he sees no change in that. Some residents have expressed questions as to why the road is going so far south? Why an access road in that location?

Mrs. Cunningham responded, "Because of the off-ramps coming off I-164 and because of the entrance onto that area. It had to be so many feet. It is not supposed to hook up with Martin's Lane at that point; it is supposed to jog....."

Commissioner Borries asked if it does anything to Fuquay Rd.?

Mrs. Cunningham said it jogs over and comes down past the Williamsburg Apartments; she proceeded to show a map to the Commissioners, which they reviewed several minutes. Mrs. Cunningham said this was done by the state.

Commissioner Borries said the plan Mrs. Cunningham has is different from the plan he saw. The one he saw seemed to take a sharp turn south; it looked like it was almost going to front on the back of the residences there. He said he would like to have some communication from the state planners on that. He asked if Mrs. Cunningham thinks we can get that? Who would we contact? He would like some rationale on that decision. He thinks it has something to do with the SIGECO structure. He will mention this to Rose Zigenfus. But if APC could relay those concerns, he would like to get something in writing from the state planners as to why they made their decision and he'd appreciate Mrs. Cunningham's work on this.

Continuing, Commissioner Borries said he knows there have been numerous comments about the Green River Road situation further south (the Covert Avenue Extension). Councilman Jim Price had requested a study. Does Mrs. Cunningham have any studies concerning this area? Would she want to comment at all?

Mrs. Cunningham responded that they had been in contact with Mr. Price quite often on that and they have begun to do the study. It takes a month or two to get it completed. As they have told everyone in the area, they are preparing a growth management report for this area and it, too, will be a component of the Comprehensive Plan. But they feel that in the Comprehensive Plan (while it is not all in one concise report) that they feel there is sufficient information already to assist the Commissioners in making their decision concerning the Covert Avenue area. The year 2000 Conceptual Land Use Map for 1985 Comprehensive Plan displays this Covert Avenue Extension area as a residential area. It is a generalized map, so it does not show the small commercial area approved in the proceeding. But you would never show just one little area. In the land use plan in the Comprehensive Plan there is discussion of future commercial

growth for both large and small commercial areas and Covert Avenue was not included in that future commercial growth. The area south of Covert was included in the Comprehensive Plan as an area designated as a residential growth area. But this does not prohibit any commercial areas within residential areas (she's talking about the overall generalized comprehensive plan). One of the stated goals of the Comprehensive Plan was to protect the integrating neighborhoods, which is always a goal and will continue to be. They just finished their annual reports and some other land use reports -- things they had to get done at this time of the year. But they are now starting on the Covert Avenue Plan and they will examine it in a finer manner. But they have not heard that the Commissioners changed their minds (nor has the Area Plan Commission) concerning what they adopted in the Comprehensive Plan.

The Board again expressed appreciation to Mrs. Cunningham for her report.

RE: KNIGHT TOWNSHIP TRUSTEE - NEW GUIDELINES

Mrs. Emarie West, Chief Deputy from the Knight Township Trustee's office, said Mr. Saulman had to be at his other job today, so she is appearing in his behalf.

Knight Township revised their eligibility standards January 1st this year. The only difference in the new standards versus the old standards is the income guidelines. The income guidelines went up \$50.00, starting with a base of one (1) person - \$300.00 and \$50.00 increments from thence on. The limit for one person was \$250.00. Mrs. West said she simply wanted to submit a copy of the new guidelines to the Commissioners so they would be aware of the change and request that they sign the original copy; just to verify that the Commissioners have, in fact, received a copy of the new guidelines.

Mrs. West said that if the Commissioners have questions about the guidelines at any time, please feel free to contact the Knight Trustees office and they will be glad to answer same.

The Commissioners signed the original version of the guidelines and requested that Mr. Jim Lindenschmidt place their dated copy in the Trustees' Guidelines file.

RE: COUNTY ATTORNEY - CURT JOHN

Tax Adjustment Board Appointments: County Attorney Curt John said that at their last meeting the Commissioners requested that he look into the appointment of Mrs. Pat Bell to the Tax Adjustment Board, since she has been elected to the School Board. He said Article 2, Section 9 of the Constitution of the State of Indiana states that an individual is not allowed to hold two lucrative positions. He also noted a prior ruling stating that one could not serve on the County Board of Review and also be a member of the School Board. Based on that, he would recommend that the Commissioners not appoint Mrs. Bell to the Tax Adjustment Board.

Ordinance re Group Health Insurance/Retired Employees: Mr. John said that some time ago the Commissioners approved an ordinance re group health insurance for retired employees. The Auditor's office would like to have an order from the Board of Commissioners stating in said order that people participating in subject program supply to the Auditor's office their portion of payment required on or before the 15th day of the month prior to the next monthly installment. (In other words, the January 1st payment should be submitted on or before December 15th). The Auditor's office would like a copy of order so they can supply any participating members with a copy of said order.

Attorney John said the Commissioners could amend the ordinance, but he does not believe it is necessary. He thinks a letter to this effect would suffice.

Motion was made by Commissioner Willner that the Commissioners forward a letter to the Auditor's office (to subsequently be sent to participating members) with a second from Commissioner Cox. So ordered. The following letter was sent:

To: Qualified Retired Employees
From: County Commissioners
Subject: Group Health Insurance

As a retired employee who has met all the criteria for the County's participation in your Health Insurance, you have the responsibility of paying 50% of your premium. This payment must be made to the bookkeeper in charge of Insurance in the Auditor's office no later than the 15th of the month prior to the month due.

i.e. - April's payment must be paid by March 15th.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH

Richard J. Borries, President
Robert L. Willner, Vice President
Shirley Jean Cox, Member

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted the Weekly Work Report for employees at the County Garage for period January 20 thru January 23, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Buente Rd., Boonville-New Harmony, Trapp Rd.

Patch Crew: Greenbriar, Darmstadt Rd., Burch Park Drive, Theater Drive and Fuquay Rd.

Tree Crew: Tanglewood Dr., Hillsdale Rd., Old State Rd., Volkman, Petersburg, and Green River Rd.

Trash: River Rd., S. Weinbach, Mill Rd., Green River Rd., Lynn Rd., and Bayou Creek

Grader: Vanness Alley, Seib Rd., Buente Rd., Summertime Lane, Staub Lane, Nunning, Evergreen and St. Joe Avenue

Painted Barricades.

Snow Removal: Thursday and Friday all equipment worked on snow removal.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew..... report received and filed.

- Worked on installation of sidewalk at the County Highway Garage
- Cleaned shed at the County Highway Garage
- Extended culvert at Sunrise and Old State Rd.
- Extended culvert at Koressel and Marx Rd.
- Repaired guard rail on Hogue Rd.
- Hand salted bridges in both the City

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the Bridge Crew and employees at the County Garage.....reports received and filed.

RE: COUNTY ENGINEER

President Borries announced that County Engineer Andy Easley is in Indianapolis today and Mr. Richard Gwinn, his assistant, said he had nothing to report. He was present earlier, but has already left the meeting.

RE: BUILDING COMMISSION

The Chair recognized Mr. Roger Lehman of the Building Commission, who apologized for his absence from recent meetings. He said he has recently hired an assistant and, hopefully, he will attend future meetings on a regular basis. Under the previous set-up, it was pretty much impossible.

Mr. Lehman proceeded by presenting the following request:

January 22, 1987

To: Board of Public Safety
Board of County Commissioners

Re: Garage Move (5414 Morgan Ave.)

We would like to move a display garage from Morgan Avenue (Tax Code #6-41-17) to 1220 N. Red Bank Rd. (Tax Code #7-321-2Z) on Monday, January 26. The garage will not require any moving of wires or signs, and is 14' x 24'.

Sheriff and Police will be notified at time of move.

Our route will be Morgan Avenue west to Fares, north on Fares to Maxwell, west onto Morgan, west on Morgan to First Avenue, south on First Avenue to Franklin Street, west on Franklin Street to Mt. Vernon Avenue, west on Mt. Vernon Avenue to Upper Mt. Vernon Road, west on Upper Mt. Vernon Road to Red Bank.

Sincerely,

GIRTEN DOZER SERVICE

Marty Girten

cc: Evansville Police Department
Vanderburgh County Sheriff

Mr. Lehman said he recommends approval of the request.

Motion to approve the request was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. (Mr. Lehman said he might add that 1220 N. Red Bank Rd. is his address.)

Mr. Lehman said he is certain the Commissioners are aware of the activity in the both the city and the county during 1986. The county house permits exceeded any previous year. The total for city and county have not exceed the 1953 thru 1957 era of construction. But in the county 1986 definitely saw the most houses in one year -- a total of 603 for a total valuation of \$37,905,754.00. The county fees were up from \$152,000.00 in 1985 to \$213,000.00 in 1986. The total permits for all areas were over 1,200 more than the previous year; but the county was definitely a big chunk of the building activity.

Monthly Reports: Monthly Reports for December, 1986 for both the city and the county were submitted.....reports received and filed.

RE: OLD BUSINESS

President Willner indicated he has three items of old business to discuss. First would be the advertising for bids on the Green River Rd. project. He thinks the Board needs to do this. He knows Ms. Zigenfus is saying that if there is no federal money we would have to meet federal guideline to advertise. But he thinks we do it all by what the state calls for to advertise. Thus, he will move that we advertise for dollar bids. If none of the work had been done, then he thinks the bid is set up by law to be a certain percentage of the construction price. But since approximately 30% to 50% of the work is already done, he thinks we need a dollar figure.

Commissioner Cox asked if we are ready to do this? Do we have specs prepared to show how far along we are on the plans and how much supplementary they are going to do? Or would they be able to see what we want?

Commissioner Willner said he thinks we need to show them what we have and let them do their own work as far as bids are concerned. He knows one went down last week and the city wouldn't show them to him. He doesn't know that they can make tracings or anything; but just ask them to come down and look and satisfy themselves, because if we tell them it is 30% done or 50% done, that is something which might be arguable. But if we tell them to look and give us a price....

Mrs. Cox asked if we've paid the city any money yet for those? Are we going to have difficulty getting a copy from the city?

Commissioner Willner said he doesn't think so, if this Board votes to do that. But just anybody going down and asking for a copy right now -- they won't give it to them. But if this Board votes to do that, it is our property and we can get that done. That's the way he feels about it.

Commissioner Borries said he would like to see Mr Easley come up with a dollar amount recommendation and a rough estimate as to how much has been completed at this time. He thinks we need a request for those plans and we need to advertise as soon as we can get that together. He'd also like to get a report from the bridge engineer (Dan Hartman) as to progress and status on that bridge. He's heard mixed signals here and there as to what that is. Could we ask him next week to give us a report on the status of the bridge over Pigeon Creek on Green River Rd.? Maybe we could then tell whether we want to bid that out at the same time. If it is not completed or there are major problems, then he thinks we want that project to go together -- and if there are difficulties then the Commissioners should do that.

Commissioner Willner said that last week he met with Stephen Dilk, Lee Gallivan, Calvin Evans, Andy Easley, Richard Gwinn, and Dan Hartman and Green River Rd. was the Number 1 issue. They went through it in fine detail and he guesses he is on the right track this time as far as the bridge is concerned. He thinks he will have those plans done. His indication was about three (3) weeks. He showed his work to the group and he believes the bridge is o.k. There are still some questions concerning the total cost of the project, etc. He thinks the new figure is now \$2.7 or \$2.8 million -- and that is for the entire length. There is some discussion about phasing the project into two phases now; one being Theater Drive to Hirsch Rd. and the other would be from Hirsch Rd to Heckel Rd. That recommendation is not forthcoming at this time. He believes we need to see what the Federal Highway bill is and if there are any extras, etc., he was under the impression that we were supposed to get that last Friday, but it didn't happen. Maybe we'll shoot for this Friday. Some people seem to think there will be some additional dollars in there. Maybe the project can go the entire corridor. If there is less

than what we had last year, then maybe we would be wise to go ahead and drop the first Heckel Rd. phase, too, and try that at a later date. He thinks Rose Zigenfus will stay on top of this.

They also discussed the possibility of having a monthly or quarterly meeting with the state and federal roads and streets personnel and they said they would attend same. He thinks this is one of the things we need desperately -- have a quarterly meeting with the state and the federal government personnel. He guesses with the bureaucracy one has to go through now, it is almost impossible for one to comprehend what is going on. It is starting to change from day to day. One of the things that they found out last Friday was that we now need to do an Environmental Impact Statement -- even on bridges we're going to repair -- if we're going to use federal or state monies. No one knew that. We had two of them on the TIP Program (which they say will go yet this summer) -- so besides the Green River Rd. project, we need to go to discuss the bridges. He understands one of the bridges has been designed in house (he isn't certain because he hasn't seen it). But we need to start on that bridge very quickly if we intend to get those federal dollars in fiscal year 1987.

Some of the other things they learned include the fact that the state is now not wanting to participate with federal money on the design and preliminary engineering. They want the counties to do that in house and, of course, that was mainly for Lynch Rd. And we're looking at the entire corridor on Lynch Rd. to be some \$600,000.00, which is pretty tough for this county. What they decided to try to do was -- half of the project on Lynch Rd is in urban funds and the other half is in rural secondary. There is a considerable amount of money in rural secondary and very little in urban, so they asked the state if we could pay for the urban section if they would do the rural secondary half? He guesses they are going to let us know if they are going to do that. That would really cut it down to about half of the \$600,000 and we could probably afford that.

What he is trying to say is that this is a new development. Never before have they said we'd have to do preliminary engineering in house. So the bureaucracy is constantly changing insofar as their dollars for our projects. If it is agreeable with the rest of the Commissioners, we will set up a meeting every quarter on a specified date; notify the media; and all the Commissioners can attend. The reason they didn't have the other two Commissioners was that they were afraid of the Open Door Policy. But they will try to set up the quarterly sessions.

Mr. Gallivan asked that he thank the Commission for Burkhardt Rd. They believe this is a step in the right direction.

In conclusion, Commissioner Willner said that after discussing Green River Rd. project, the Commissioners need to discuss the bridges.

Commissioner Cox said she had a question. On Mr. Willner's explanation of the preliminary engineering being done in house....?

Commissioner Willner interjected, "Just the dollars -- with our own money -- whether we hire it out or do it in house, it has to be out of our own monies."

Commissioner Cox said they had that policy several years ago and then they dropped it. Now they've re-instituted it.

Commissioner Willner said they indicated that some of the counties (not necessarily Vandrburgh County) were using state and federal money for preliminary engineering and then not finishing the project -- and they wanted to stop that. Whether or not this is correct he cannot say, but he has no reason to doubt it. In any event, that was their explanation.

Commissioner Borries asked if we can come to an agreement on the Green River Rd. project? We need to prepare advertising specs with an estimate of how much work has been done and how....

Commissioner Cox interjected "If we want a motion here for the conceptual of having a consultant continue and complete the design of Green River Rd., she can second that motion without any problem. To just say we're going to advertise for bids is a little bit premature. We are assured here that the city doesn't have the manpower to go ahead and get this completed in the time frame we want it done?"

Commissioner Willner said he thinks that is the concern -- that there's been some illness....

Commissioner Cox said "We're behind now...."

Commissioner Borries said,, "We want to catch up quickly.

Motion was made by Commissioner Willner that we advertise for consultants to come in, satisfy themselves regarding work that needs to be done to finish the preliminary engineering on Green River Rd. He then asked, "And have their price and proposal back to us within two (2) weeks? I don't think it's that big of a job. Is it really?"

Mrs. Zigenfus interjected, "I think you might want to add to your proposal, "that it be in compliance with the Environmental Impact Statement that was included". Since the environmental has been approved, the design should be the same.....

Commissioner Borries expressed appreciation to Mrs. Zigenfus for her input.

Commissioner Cox asked, "Who is going to prepare these specs, etc.? Are these people going to be able to see the Environmental Impact Study and get copies of the design up to this point? We don't want any problems along this line. I guess they are not available in the County Engineer's office."

Commissioner Willner said Mrs. Zigenfus has the Environmental. We'll ask her to get the plans; then both will be in her office for any prospective company to satisfy themselves as to the amount of work that has already been done.

Commissioner Cox said she will provide a second to Commissioner Willner's motion. So ordered.

It was subsequently determined by the Board that EUTS will prepare the advertisement. (Advertisement is to appear in Courier & Press on January 30 and February 6, 1987.)

Bridges in Tip Program: Commissioner Willner said the two bridges we have in the Tip Program (which he understands have a chance of funding this summer) are the wooden railroad structure over Orchard Rd. one (1) mile from Highway 65 and the bridge on Boonville-New Harmony Rd. one (1) mile west of Highway 65. The bridge on Boonville-New Harmony Rd. is over Barr's Creek. He believes the plans for the Boonville-New Harmony Rd. bridge have been drawn in house. He requested that Mr. Lindenschmidt check on this right now, so the Commissioners will know. We will also have to have Environmental Statements on these two bridges (just as we did for the Green River Rd.). We didn't know that until last Friday, so we need to hire a company to do those.

Mrs. Zigenfus said they are going to do these in house. It will be relatively simple; it's a categorical exclusion, rather than a full blown impact statement.

Commissioner Willner asked, "So, if he has plans for one of those bridges in house, then all we need to do is hire a company to do the plans for the other bridge?"

Mrs. Zigenfus said that is right.

Commissioner Cox said the railroad bridge on Orchard Rd. is a pretty long, narrow type of thing. If her thinking is correct, the bridge on Boonville-New Harmony is not too big a project. We have hired an assistant bridge engineer (Richard Gwinn). Will we still have to have these done outside? If we're going to contract out Green River Rd. Bridge, what are the bridge engineers going to be doing? We have two of them. So she can't see farming this one out.

Commissioner Willner said Mrs. Cox is correct. The only thing we're worried about is time. If he can't do both of them at one time; he tells Commissioner Willner that the one over Orchard Rd. isn't done and will only take about three (3) weeks. But we won't let him do that until Green River Rd. is done -- and then we might miss the 1987 construction season. When we first put these two bridges on the TIP Program, we thought it would take three (3) years to get them through. It's only going to take one (1) year. Therefore, it kind of caught us with too much bridge work. In the future, you are correct -- we will do them all in house. It's just because we need them very quickly that he would like to see one of them be contracted out. Dan Hartman is the design engineer. The assistant bridge engineer hasn't totally gotten his feet on the ground yet, but he is working. He's out in the field looking and studying

Commissioner Borries said the Commission will get a status report as to how far along these projects are just as soon as Mr. Lindenschmidt returns to the meeting.

RE: AREA PLAN TRAVEL REQUEST - BARBARA CUNNINGHAM

Mrs. Cunningham was recognized by the Chair. She stated that just today she received a letter from the Indiana Planning Association State Legislative Committee. They are having a meeting in Columbus, Indiana on Friday morning at 11:00 a.m. She is requesting permission to travel to said meeting.

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

RE: COUNTY SHERIFF - TELEPHONE REQUEST

Commissioner Borries said another item under Old Business concerns a report on request for telephones from the Sheriff.

Sheriff Shepard said he had been in meetings all day; thus, he did not have an opportunity to call and arrange to get on today's meeting agenda. Several weeks ago he wrote the Commissioners a letter requesting another telephone (a simple process downstairs in the Sheriff's office). Their department will pay for the installation of the phone. At the present time he has three rooms (a bookkeeper, a supervisor, a man in charge of evictions and a man in charge of tax warrants and a volunteer comes in and helps with the paperwork). Thus he has five (5) people using one instrument. He'd like to have another phone installed. It will be in Jackie's office., where she can push a button, buzz them and they can pick up the second line. But, in essence, they have five people utilizing one telephone. They're running about 60 evictions per month now and this individual has to get on the phone all day long to the landlords and the Clerk's office. On Sheriff's sales, they have attorneys calling every morning and afternoon. On the tax warrants, the individual needs to call and contact the people who have tax warrants on them. Thus, the phone is almost a dire necessity. He respectfully requests permission at this time to install the additional phone.

Commissioner Willner asked if Sheriff Shepard has a cost estimate?

The Sheriff said his department will pay for the installation.

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

Sheriff Shepard expressed his appreciation and said this will be of great help to his department.

RE: BRIDGES

Mr. Lindenschmidt returned to the meeting. Commissioner Willner said he believes he was in grave error. It does not appear that the plans have been done for either of the bridges discussed earlier. The bridge for which plans have been completed is the 5th Avenue Bridge (for the City).

If they're going to do the environmental in house, he doesn't mind advertising for companies to do the plans for the bridges forthwith.

Commissioner Cox asked how long it will take to complete the environmentals?

Mrs. Zigenfus said it will require about two (2) months. The design plans....

Commissioner Willner interrupted, saying, "Mr. Lindenschmidt just now reports that they did find the plans for the Boonville-New Harmony Rd. bridge and they are done. I was sure it was -- then they said it wasn't."

President Borries said if we can just get into this last one we're worried about.....

Mrs. Cox asked, "Can't he do this other one in house?"

Commissioner Willner said, "Yes; but do we want to do it in this 1987 construction season? I don't know whether he can do Green River Rd. and this one, and get them both done in time."

Commissioner Cox said "I thought we were going to look at farming out the rest of the Green River Rd. project."

Commissioner Willner said, "Just the roadway -- not the bridge."

President Borries said it is a lot for the Commission to have to consider. He suggested the Commission ask Dan Hartman to present a report to the Commissioners next week. It was the consensus of the Board that he can give the Board the status on Green River Rd.; the Commissioners can give him the deadlines he needs for the other bridge and a decision can be made at that time.

RE: ORDINANCE & GRANT AGREEMENT - CHAMBER OF COMMERCE

Proceeding, President Borries submitted an Ordinance and Grant Agreement presented by Mike Robling of DMD, together with cover memo. The memo says this grant agreement concerns the \$25,000 included in the County's 1987 budget for grant to the Chamber of Commerce. This was done last year. However, at that point they had not acted on it.

Commissioner Cox said she is certain this was approved in the County budget for fiscal year 1987. Thus she moves that the ordinance and grant be approved and signed. Commissioner Willner provided a second to the motion. So ordered.

RE: LETTER FROM STATE BUDGET AGENCY

It was noted by Commissioner Borries that he received a letter from the State Budget agency, which contained a change the Commissioners need to consider as a board. The State Regional

Council of Governments (COG) that has recently disbanded used to be the contact group for various plans and projects that were considered through the State of Indiana. The Inter-Governmental Review Coordinator has asked that the Commissioners designate a new local agency (it could be the Board of Commissioners) to now act as the Contact Agency for these various projects and requests that used to be considered by COG. President Borries asked if there are any suggestions at this time as to which local agency should be designated?

Commissioner Willner said that Area Plan offered their services as the corresponding agency and the Engineering Department would handle the technical aspect. Thus, he moves that they handle those. A second to the motion was provided by Commissioner Cox. So ordered.

The Chair entertained further matters of Old Business for discussion. There were none.

RE: SCHEDULED MEETINGS

Wednesday Jan. 28 2:30 p.m. Council Personnel
Committee Meeting

(It was noted by President Borries that he will be out of town on Wednesday. He has been invited to attend a Luncheon in the Governor's office on Thursday re educational matters, since his major thrust this year is education. Commissioner Borries plans to go to Indianapolis on Wednesday. There are also some county concerns, particularly with regard to liability insurance. He thinks there have been some changes (the Commissioners may have received some from the Indiana Association of Counties).

Tuesday Feb. 3 8:30 a.m. Mtg. w/Chuck Frary re
roads (Room 307)

Commissioner Borries said one item on the Personnel Committee's agenda was the recommendation regarding the Administrator of the Hillcrest-Washington Children's Home.

RE: CLAIMS

President Borries said he has no claims to be presented for the Board's approval today.

RE: EMPLOYMENT CHANGES

Sheriff's Department (Acct. 100.0-130.1) (Appointments)

James W. Chapin III	Civ. Jailer	\$15,065/Yr.	Eff: 1/26/87
Sue Catherine Mann	Jail Nurse	\$18,455/Yr.	Eff: 1/27/87

Sheriffs Department (Releases)

Kelli Jayne Seddon	Civ. Jailer	\$15,065/Yr.	Eff: 1/26/87
Monica Ann Dupont	Jail Nurse	\$18,455/Yr.	Eff: 1/26/87

Sheriff's Department (Acct. 100.0-105.9-113.0) (Appointments)

Kelli Jayne Seddon	Prob. Patrol.	\$19,247/Yr.	Eff: 1/26/87
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Pigeon Township Assessor (Appointments)

Aline Payne	Part Time	\$35.00/Day	Eff: 1/16/87
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Area Plan Commission (Releases)

Donna Holderfield	Zoning Invest.	\$14,007/Yr.	Eff: 1/19/87
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Knight Township Assessor (Appointments)

Diana R. Fritchley	Deputy	\$35.00/Day	Eff: 1/26/87
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Burdette Park (Appointments)

Mark T Walker	P.T.G.C.	\$4.00/Hr.	Eff: 1/22/87
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Circuit Court Appointments)

Joseph M. Schaefer	P.T./Safe House	\$5.00/Hr.	Eff: 1/1/87
John Bushrod	P.T./Safe House	\$5.00/Hr.	Eff: 1/1/87
Janet McConnaughay	ABBC.	\$17,750/YR.	Eff: 1/1/87
Melvin E. MacGregor	P.T. Bailiff	\$5.00/Hr.	Eff: 1/13/87
Hugh B Nicholas	P.T.B.B.	\$5.00/Hr.	Eff: 1/1/87
Lee Vandever	P.T. Intern	\$3.35/Hr.	Eff: 1/1/87
Rose Lai Chong	P.T. Intern	\$3.35/Hr.	Eff: 1/1/87
Kenneth A. Henson	P.T. Intern	\$30.00/Mo*	Eff: 1/1/87
Robert L. Saunders	P.T. Intern	\$30.00/Mo*	Eff: 1/1/87
Larry G McDowell	P.T. Intern	\$30.00/Mo*	Eff: 1/1/87
Tracy L. Thread	P.T. Intern	\$5.00/Hr.	Eff: 1/1/87
Denise G. Karcher	P.T. Intern	\$4.00/Hr.	Eff: 1/1/87
Paul N. Aarstad	P.T Intern	\$4.00/Hr.	Eff: 1/1/87
Jeff Shoulders	P.T. Intern	\$5.00/Hr.	Eff: 1/5/87
John R. Mueller		\$30.00/Mo*	Eff: 1/1/87
Harris Howerton		\$30.00/Mo*	Eff: 1/1/87
Dennis Heathcott		\$30.00/Mo*	Eff: 1/1/87

* = Mileage

Circuit Court (Releases)

Joseph M. Schaefer	P.T./Safe House	\$5.00/Hr.	Eff: 1/1/87
John Bushrod	P.T./Safe House	\$5.00/Hr.	Eff: 1/1/87
Paul N. Aarstad	P.T. Intern	\$4.00/Hr.	Eff: 1/1/87

RE: DRAINAGE BOARD MEETING

President Borries announced that a Drainage Board Meeting will be held immediately following the Commissioners Meeting -- after a ten (10) minute recess.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:55 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

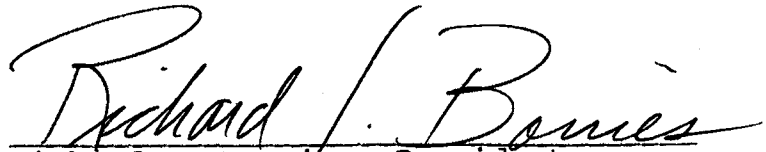
R. J. Borries	(Absent)*	Curt John
R. L. Willner		
S. J. Cox		

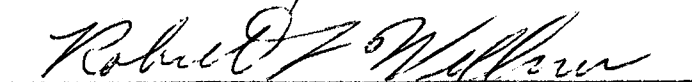
<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
Bill Bethel	Richard Gwinn (Asst. Engr.)	B Cunningham B Behme

<u>BUILDING COMMISSION</u>	<u>EUTS</u>
Roger Lehman	R. Zigenfus

<u>SHERIFF</u>	<u>OTHER</u>
C. Shepard	Mr. Kattmann Aaron Biggerstaff Fred Kuester Emarie West/Knight Trustees Office

SECRETARY: Joanne A Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 2, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 2, 1987, in the Commissioners Hearing Room, with President Borries presiding.

The meeting was called to order by President Borries. Since it was the first meeting of the month, the meeting was opened by Sheriff Shepard, who declared the Commissioners in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Willner that the minutes of January 26, 1987, be approved as engrossed by the County Auditor and the reading of same be waived, with a second by Commissioner Cox. So ordered.

RE: HARMONY WOODS SUBDIVISION & OAK VIEW PLACE SUBDIVISION

Mr. Jerry Nord and Ms. Eileen Stanton of S & N Homes, Inc. were present and were recognized by the Chair.

President Willner read the following letter:

(No date)

Board of County Commissioners
Civic Center Complex
Evansville, IN 47708

Re: Harmony Woods Subdivision

Dear Commissioners:

It has recently come to our attention that both our office and our Engineer's office inadvertently failed to request a waiver of the construction of curbs and gutters for the subject project. Therefore, at this time we ask that the Board hear our request for waiver at its earliest possible convenience.

We apologize for this oversight, and for any inconvenience or embarrassment that it may have caused.

Sincerely,

S & H Homes, Inc.

Eileen Stanton

Mr. Nord and Ms. Stanton approached the Commissioners' table and there was a lengthy discussion between these two parties and the Board, with County Engineer Andy Easley also participating.

President Borries subsequently stated that he has an identical letter (dated January 21, 1987) from Mr. James M. Fuquay, President of Fuquay Construction, Inc., concerning Oak View Place Subdivision.

It was stated by President Borries that neither request will be heard today. Rather, the Board will take both requests under advisement. The Commissioners want to go out and look at the subject areas. Commissioner Borries said we've had some difficulty; we have some subdivisions out there without curbs and

gutters and we need to be consistent on those. The Board is trying to send a message out to future developers that if they come in and request these things, they need to do this before the streets are in. The Board wants to be as fair as possible. Their concern is (he is sure these roads will last) but the Commissioners need to know this so they can avoid some considerable expense. That is the whole purpose of the ordinance. He knows Mr. Nord and Ms. Stanton moved forward on good faith -- and the Board is in a situation where they want to act as fairly as possible to resolve the matter - those that are out there that are not following this curb ordinance. Hopefully, every developer and surveyor and engineer knows what the procedure is so this confusion can be avoided in the future. There has, however, been some confusion on this.

Commissioner Cox stated that, as Commissioners, they expect all road plans to have rolled curbs and gutters when they come in unless a request is made that they don't. So she thinks this slipped by. The Area Plan Commission is to provide site map to the Commission on both subdivisions. Ms. Behme of Area Plan said they have received several telephone complaints re the drainage in Oak View Place Subdivision.

Continuing, President Borries said that for the record, the Harmony Woods Subdivision matter was discussed at the Commissioners meeting of November 10, 1986, when there had been a request for waiver of sidewalks only approved in that subdivision. The Chair entertained comments.

RE: BURDETTE PARK - FINANCIAL REPORT

Mr. Mark Tuley, Manager of Burdette Park, was recognized by the Chair. He began his presentation by submitting copies of his Financial Report for period ending December 31, 1986, as follows:

1986 STARTING BUDGET

1986 Budgeted	\$493,811.00
1985 Encumbered by P.O.	230.63
1985 Encumbered by Contract	4,431.24
1986 Additional Appropriation	186,454.13
1986 Insurance Reimbursement	5,388.47
Total	\$690,315.47

Expenditures & Balance 1/1/86 to 12/31/86

Total Expenditures	\$623,361.90
Total Returned to General Fund	584.73
Capital Improvement Encumbered by Letter	52,221.14
Other Encumbrances by Letter	14,147.70

Income 1/1/86 to 12/31/86

Pool	\$ 86,938.84
Waterslide	59,404.27
Rink	33,196.64
Rentals *	69,795.26
Miscellaneous	25,078.60
Total	\$274,413.61

12/31/86

Total Expenditures	\$623,361.90
Total Income	- 274,413.61
Total Deficit Before Improvements	\$348,948.29
Less Long Term Capital Improvements	- 96,417.19
Total Deficit	\$252,531.10

*Campground Rental Income \$8,554.00

Commissioner Borries asked if the \$69,795.26 figure is an all time high on rental income?

Mr. Tuley said that it certainly is. Going into 1987, things are looking very promising insofar as rentals are concerned. To date, they have over 45 company picnics booked. Some of the new ones they have will be good for us (PPG, Keller-Crescent, SIGECO). They are meeting with St. Mary's Hospital tomorrow night and, hopefully, they will end up with their picnic. Obviously, the larger picnics mean more revenue. So that is why they have been concentrating on this area.

In continuing, Mr. Tuley said County Council during their Finance Meeting the other day approved request for up to \$7,500 for Burdette's master development plan. Part of the development plan is an impact study, which is the best use and any future attractions, what will bring the best return for money, etc.

Mr. Tuley said that Mr. Les Lantaff, Advisory Board member, is present today. The board met in reference to the rates for 1987.- It was their recommendation that some rates remain unchanged. Others were increased. He will ask that Mr. Lantaff explain the rates to the Commission.

Mr. Lantaff said that from the report given by Mr. Tuley, they have kind of turned this thing around at Burdette Park -- and he believes they are headed in the right direction; at least they hope so. In response to query from Commissioner Borries concerning campground revenues, Mr. Lantaff said they are going to try to push this a little harder and get some more revenue off that. The potential is there. He believes that as a result of the advertising they did, at least people are aware of what we now have on the west side. It's kind of off the beaten path -- and if you don't live in Evansville, you don't know it is there. By advertising in a few of the camping magazines, he believes people are aware that we do have facilities here. In fact, when people came in, they couldn't believe the rates at Burdette. They thought it was some kind of shabby campground with rates like that that no one would come to. When they came in to look it over, they couldn't believe their eyes.

Shelters: With regards to rates for shelters, they thought it best to leave those as they are this year, due to the fact that they are not being overly rented and they want to try to do something about getting those filled up full time.

Cottages: They raised the fee from \$35.00 to \$45.00 per day for one or two people. There will be \$5.00 per day for additional people (this was left the same). This includes the package deal -- with swimming, waterslide and skating, whenever skating is available. They think that Monday thru Thursday is when we really need to be renting those cottages out -- because that is when they are vacant. If we can set a special deal up with people to get them out there the four week days, we're not having any problems on weekends.

There is also a family week day special (Monday thru Thursday). A family of four is \$149.00, which includes all the above. They are hoping that will generate interest in renting these cottages and bring in more revenue.

Commissioner Cox asked if any of the cottages are rented out on a monthly basis?

Mr. Lantaff said right now they are. He believes it is \$200.00, but that is only in the winter months (from November 1st to April 1st). The construction workers involved in building the highway are utilizing the cottages on a monthly basis pretty well.. But this year is down from last year. They had all six cottages rented all winter long.

Commissioner Borries asked, "But you don't rent those on a monthly basis during the summer months or seasonal operation?"

Mr. Tuley said they do not. In the summer they can get a daily fee, which would bring more revenue than the monthly fee during the on-season. But they are trying to stimulate a little business for the weekday activity.

Campgrounds: Mr. Lantaff said the campground facilities have been fairly cheap. They knew the revenue was down there. But they didn't want to jump everything up to start with. This year they suggested raising the daily rate from \$4.00 to \$6.00 per day. The weekly rate will be raised from \$25.00 to \$36.00 per week. The monthly rate will be raised by \$10.00 (from \$110.00 per month to \$120.00 for the electric and water. For the full hookups (electric, water and sewer) they suggested raising that from \$5.50 to \$7.50; from \$35.00 to \$45.00 per week and from \$140.00 to \$160.00 per month.

Tent Rentals: Tent rentals were raised from \$4.00 to \$5.00 per day.

Again, they wanted to experiment with the weekly special, to see if they can get some local people to vacation close to home and spend their money here instead of going someplace outside the county. They thought they'd try a special out there this year and let a family of four (4) stay one week for \$99.00. That includes swimming and skating. The waterslide would be extra. But swimming and skating would be included in the \$99.00 weekly fee for the campground.

Commissioner Cox asked if this is for full service? Electric, water and sewer?

Mr. Lantaff said that it is.

Swimming Pool & Skating Rink: Mr. Lantaff said they decided to leave the fees for swimming pool and skating rink the same, due to the fact that they think we have a good thing going there and they want to keep it that way. They do not want to get themselves priced out of the market with the private people here. Thus, the pool admission remains at \$1.50 per person.. An all-day pass at the waterslide is \$3.50. Individual waterside rides are 50 cents per person. The skating rink fee would stay at \$2.00 per person and skate rental is \$1.00.

Commissioner Borries asked if the hours are the same?

Mr. Tuley said they gave some thought to extending the hours. However, the private pool parties were quite successful last year and we'd be cutting into those.

Commissioner Willner asked when these usually start?

Mr. Tuley said around 7:30 to 10:00 p.m. on weekends. He understands that Deaconess (who had a successful private party last year) is in the process of booking two private parties this year. So these are going very well.

Commissioner Cox asked how each ride works on the waterslide?

Mr. Tuley said it is a 50 cents per person charge. They buy the tokens from the cashier and surrender the token when they get to the top of the slide.

Mrs. Cox asked, "If they only purchase one and they want another one, then they have to go back to the cashier?"

Mr. Tuley said that is correct. What happens a lot of times is that people who are new -- the parents will only buy one or two tokens for their child. Then the child wants to ride it for the

rest of the day and the parents come back and purchase an all-day pass. He has had people ask him that if they bought \$1.00 worth of tokens, is there anyway they can deduct that from the all-day pass fee? In the past he has not done this -- and he doesn't know whether the Commissioners want to start doing this. He believes this might be a major headache.

Commissioner Cox said she'd just leave it as it is. Are season passes available still for \$20.00? Is this good for so many swims?

Mr. Tuley said it is good for 20 admissions. He forgot to note this on the copies of the rates he gave to the Board. This saves people a full one-third cost.

Commissioner Willner asked if there is a pretty good usage on the seasonal passes?

Mr. Tuley said last year was the first time they offered those and they did sell quite a few of them. He didn't do as well as hoped, however. But he believes it would be better to advertise these passes a bit more going into the season -- and perhaps we'll do a lot better with it. Again, last year was the first year they were offered.

Mrs. Cox said, "We used to have it; then we discontinued it; then we're having it again."

Mr. Tuley said he believes news of the passes will be spread by word-of-mouth.....

Commissioner Willner said Mr. Tuley may also want to put up a sign advertising the season passes.

Mr. Lantaff said he thinks they're also going to try to make facilities out there for eight or ten more units on the lower section of the campground -- for the small fold-down units, etc. There'd only be two or three outlets for water. Mr. Lantaff entertained questions.

President Willner said the Board can see that the Advisory Board has done a considerable amount of work and he asks that Mr. Lantaff convey the Board's thanks to the committee. Further, he moves that the suggested increase in rates for 1987 be approved. A second was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Agreement with Alexander Ambulance Service, Inc.: Attorney Miller said, "In my absence from the city last week, a re-drafted agreement with respect to the ALS Services provided by Alexander Ambulance Service was sent to the Commissioners' office. My cover letter indicates that I would like to talk with each of the Commissioners about the agreement, in case any of them have any questions they want to raise. This contract is essentially the same as it has been for a number of years and we did not make an effort this year to re-negotiate the basic terms of provisions of this agreement. It occurs to me that over the years we have had satisfactory experience with their service, but there have been some things that have arisen from time to time that one or the other of the Commissioners have questioned. None of those have been incorporated into this agreement or any agreement over the past few years, simply because we have not been able, as a group, to sit down and have a lengthy discussion with Alexander about the various concerns that one or the other of you have raised. I think it would be appropriate this year that we do that. This agreement does not make any substantial changes. There was one deletion of substance from last year's contract. It appeared as the last paragraph of numbered section eight, which read that, 'In return for the guarantee against losses by the Board in favor of the provider, the Board is entitled to 25% share of any net

pre-tax profit with respect to the services.' That was omitted this year because of Federal Medicare regulations which appear to make it illegal for the governmental entity to share in this net pre-tax profit, because of language in the regulations that referred to kickbacks. And this, as explained to us by a federal officer, could be characterized in that fashion. We had no intention of violating any federal regulations and that is why it was deleted. In any event, we never got any money out of that because there was never any profit reported through the accounting procedure that Alexander generated -- so there was never any money forthcoming to the county under that provision anyway. That is the only major change. There were some slight adjustments in prices, but other than that, the contract is ready for the Commissioners' signatures, subject to questions they would like to raise or like for him to raise with Alexander."

Commissioner Cox queried Attorney Miller re Page 10, where it says that the total reimbursement during the calendar year 1986....she believes this should be 1987.

Attorney Miller said this is a typographical error. He will make the change on both the original and the copy. If the Commissioners find it appropriate to sign the document, then they should place their initials next to that specific line on Page 10. He said it is his recommendation that sometime during 1987 that he and all the Commissioners should sit with Alexander and raise any questions that need to be raised.

Further questions were raised about the reimbursement amount, but Attorney Miller said all he can tell the Commissioners is that the \$147,735.00 was the figure which was provided to him.

The Chair entertained a motion.

Following further brief comments, Commissioner Willner said there has been no real change in the state-approved ambulance provider run in Vanderburgh County, being the City of Evansville Fire Department and Alexander Ambulance; these are the only ones. We pay them a lump sum. If we had another provider that was ready to give us a bid, then he would be the first to re-open negotiations. But as he sees it now, it's just a moot question.

Attorney Miller said if Commissioner Willner is talking about further discussions this year, that would be on next year's contract anyway. This contract for 1987 is pretty much cast in stone -- and we can just let Alexander know at some point in time whether we want to talk to them re the 1988 contract. If the Commissioners want to take a week to review the 1987 contract prior to executing same, that will be fine.

Commissioner Cox stated she has no problem with signing it right now. The other Commissioners concurred.

The Chair entertained a motion.

Motion was made by Commissioner Willner that the contract with Alexander Ambulance, Inc. be approved in the amount of \$147,735.00, with a second from Commissioner Cox. So ordered.

Attorney Miller requested again that the Commissioners be certain to initial the change on Page 10.

Criminal Investigation/Treasurer's Office: Attorney Miller said the other matter he wants to bring to the attention of the Commission is (as they know via reports in the media) the criminal investigation into activities in the County Treasurer's Office during the administration of Mr. Lew Volpe has apparently been concluded. We have had hanging for a period of time (since the first revelation of possible discrepancies until now) the possibility of seeking reimbursement for the county to the extent of the losses suffered by the county as a result of any improper activities that may have occurred. Early on in the investigation

the Commissioners advised then County Attorney Jones and himself to put the bonding companies involved on notice and to await the final developments in the criminal investigation before taking any action -- and they have done that. The bonding companies were placed on notice reasonably soon after the Commissioners' directive and they have not taken any action to make the claim, since it was not appropriate while the criminal investigation was proceeding. Not only would it not have been appropriate, but gathering information would have been difficult because various of the individuals involved would have been inclined (he thinks) to invoke their right to remain silent under the Fifth Amendment of the U. S. Constitution. He is advised by the Prosecutor's Office that there have now been plea negotiations concluded which contemplate the availability of at least three (3) people who were apparently involved in this activity as witnesses for future court actions. The county is the victim of whatever improper activities were conducted and the county, he believes, is entitled to seek and compel the testimony of those people. He would, therefore, want the Board's authority at this time to proceed with their independent investigation of the matter for civil claim purposes, for the purpose of making a claim against those involved and the bonding companies that stand liable. If they're unable to obtain a settlement without litigation, to have the authority to go ahead and litigate with them on this matter. He said he thinks the time has come that we have an obligation to the bonding companies to bring our claim or forget it. So it is appropriate for the Commissioners to determine whether his office has the authority to do this.

In response to query as to whether we know how much, Attorney Miller said we have the State Board of Accounts Audit. Although he has not been privy to it until this point, we do now have available to us the Prosecutor's file -- to the extent that it will disclose those numbers. He does not know and cannot tell the Commissioners today the appropriate amount of the claim. But we will be conducting our investigation and the starting point will be the audit that kicked off the investigation, together with whatever information the Prosecutor has gathered, and we will go from there. Hopefully, most of that work has been done for us and a lot of investigative time will have been saved. He is not in a position to even guess the dollar amount, but from the previous information we've had and that which has been published in the media, it is a substantial number.

Commissioner Cox said, "We need to include not only the missing money, but the amount of extra costs that Vanderburgh County incurred due to the length of time involved for the State Board of Examiners to conduct the audit. There were additional dollars involved there, and I feel this also needs to be....."

Attorney Miller asked, "You mean the loss of interest the money would have earned?"

Commissioner Cox responded, "No, I didn't say that; don't put words in my mouth. But that's a good idea, too. It cost the county "X" number of dollars additional above and beyond what the State Board of Accounts usually comes in and does an audit for within a reasonable period of time. This was a longer period of time -- and I can't remember how much it said on the one report that went in how much it cost us because of the extensive amount of time they had to put in on this audit. I'm thinking in terms of maybe \$14,000 or \$15,000 -- maybe even more than that -- \$20,000 or \$25,000 was the total cost. Is that recoverable?"

Attorney Miller stated "I can only say to you that I will look at the bonds and see if there is any coverage under the bonds for that kind of thing. It would certainly be an item of damage that we could claim against any individuals who might be responsible. But the question is, is there a pocket there that has something in it? Obviously, our first look will be to the bonding companies -- and they only cover what their contract says they cover. But you are absolutely right in that it is an item

that needs to be included and, of course, we'll look for recovery of the loss of use of the money and we'll also see if the bond covers any attorneys' fees that will be incurred. I suspect that the bonds do include attorneys' fees.

Commissioner Willner commented that when he talked with Attorney Miller previously about the problem, he thought perhaps the bonding company would pay off without a lawsuit. He seems to think I'm a little naive....

Attorney Miller interjected, "I don't think you're naive, but I think.....

Commissioner Willner continued, "But I would certainly like to try it first -- so I'm going to make a motion that the Commission instruct Attorney Miller to determine the limits of our bonding and the limits of our loss, plus cost and interest, and forward that on to the bonding company for their approval or disapproval, before we file suit. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Borries asked whether Attorney Miller wants another authorization at this point to conduct the investigation?

Attorney Miller said he would assume that was included in Commissioner Willner's motion.

Commissioner Willner said, "Loss, plus cost, plus interest -- he can do all the investigation he wants."

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period January 26 thru January 30, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

<u>Gradall:</u>	Northern and Northwestern part of the county
<u>Patch Crew:</u>	Northern and Western section of the county
<u>Tree Crew:</u>	All sections of the county
<u>Trash Crew:</u>	All sections of the county
<u>Graded & Rocked:</u>	Northern and Western sections of the county
<u>Snow Removal:</u>	All sections of the county on Tuesday and Wednesday

The drivers hauled salt and sand to the yard.

Work Report/Bridge Crew: Also submitted were copies of the Work Report for the Bridge Crew for the same period.....report received and filed.

- Cleaned bridge on Old Henderson Rd. and burned wood under the bridge
- Sanded bridges and culverts - snow clearance
- Burned brush
- Cut tree under Bridge #91 (Green River Rd.)
- Burned debris under Old Henderson Rd. Bridge

Worked in the yard and installed sidewalk at the side of the Vanderburgh County Highway building

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions.

Commissioner Cox asked if Mr. Bethel stated the Bridge Crew installed the sidewalk?

Mr. Bethel responded, "Yes; not a long section -- just a section that runs out to the yard at the County Garage building.

Mrs. Cox said, "I think we have to be very careful about the use of bridge fund monies."

Mr. Bethel said, "Well, we did put a little culvert under it to run it into the big drainage ditch there. There wasn't that much insofar as concrete was concerned. But while they were at it, he just had them go ahead and concrete that small section."

The Chair entertained further questions.

Commissioner Borries said he saw the crew working on the Green River Rd. Bridge and he is concerned about the deck on that bridge -- the one over Pigeon Creek.

Messrs. Bethel and Easley said they are aware of the problems with the deck and they're waiting on a little warmer weather to get here before doing any work on this.

Pollack Avenue: President Borries said there is one other item; he had talked with Mr. Bethel concerning Pollack Avenue. He thinks he'd like to have Messrs. Bethel and Easley look at Pollack Avenue. There is some subsidance or slippage or something on the south side of that road. There is a deep ditch and, of course, guard rail has been installed along there. But that road has deteriorated over the past year and it is really noticeable. It is heavily traveled. It will have less traffic when the Covert Avenue Extension is opened. However, it still will service a lot of homes and traffic into Warrick County. We, of course, have placed this on EUTS Improvement List should funds be available. But he'd like for Messrs. Bethel and Easley to look at this road. There have been some changes in it that concern him. If they could drive it between where the County Limits are -- it is particularly noticeable near the deep ditch portion -- almost as far as to where the guard rail extends. It looks as though that south lane is almost at a different level now than the north side of the road. The surface is beginning to alligator very badly, of course.

Mr. Bethel said it may be that they can pave that; but you cannot pave this kind of weather.

Commissioner Borries said he has driven it several times this past week and it is not good -- and he does have some concerns about it.

The Chair entertained further questions. There were none.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Claims: Mr. Easley said he has presented copies of three (3) claims to Morley & Associates. One of the claims was approved about three weeks ago. It had a mathematical error in it which he didn't catch at the time. This claim is to Morley & Associates for construction and engineering on Burkhardt Rd. He had cheated himself about \$300.00. It was caught in the accounting section and they requested that the claim for the amount of \$2,599.71 be voided and a revised claim in the amount of \$2,881.10 be approved. They have the balance of what they have done for us (\$871.50) which has been combined to make a new

claim in the amount of \$3,752.60. He also included a summary sheet which he has been keeping tallied of the claims on the contract. It shows the total, with this adjustment, which is approximately \$5,000 under what Morley is authorized to draw.

Commissioner Borries asked if this is final billing?

Mr. Easley said Mr. Morley told him the only thing that hasn't been resolved is a change order that the contractor had submitted requesting a higher unit price on the base they installed. So far the State has rejected this. It may go to arbitration or something to see if it can be mediated. If that is resolved, that would alter the final bill that the State owes the contractor and it will alter ours. Not very much is involved, but apparently they are insisting that they be allowed to increase that unit price. They have nothing else to do on the project and they have submitted all the construction documentation.

Commissioner Willner said, "That asphalt was brought from a different geographic location -- how many miles is that? "

Mr. Easley said it was brought from Petersburg (about 47 miles); apparently they were able to get that down here and keep it at the right temperature.

Motion to approve the claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Kansas Road East of I-164: Mr. Easley said that he and the construction engineer on I-164 have discovered that a cul-de-sac was proposed west of the bridge on Kansas Rd., between I-164 and the bridge. The bridge is now closed and he is suggesting that the Commissioners propose to the State that they not do not have to build the cul-de-sac. Would the Commissioners concur with that request? There is no longer a county road that officially has access to it.

Commissioner Willner asked, "You're saying on the east side of the highway, west of the bridge? You can't get through it anyway. The bridge is closed. The only ones who can get to it is the farmers. We have never finished our negotiations with Wayne Fehd as to whether he wants that bridge. We need to....

Mr. Easley said he believes his attorney wrote a letter and said not to tear it down that they would like to have it. But he will have to go back and check his files.

Commissioner Willner said he understood it was in litigation.

Mr. Easley said he believes they have settled that matter.

Commissioner Willner said, "Then we should settle the bridge matter. If that bridge has to stay open and we do not abandon it then we need the cul-de-sac."

Mr. Easley said, "Yes. I was under the impression that you had taken an official stand on the bridge."

Commissioner Willner responded, "I did; we postponed it to see whether Mr. FehdI believes the proposal to the State is a bit premature. I believes we need to go back to the original idea of getting rid of the bridge or giving it to the farmer.

Mr. Easley asked if the Commissioners want him to bring minutes of previous meetings to refresh their memories?

Commissioner Willner said he wishes Mr. Easley would contact Mr. Fehd. Or, do the Commissioners want the County Attorney to do that?

Commissioner Borries asked, "When you mentioned litigation, who is litigating who on this?"

Commissioners Willner and Cox said it is between the State and Mr. Fehd. Commissioner Willner said we're not a party to it yet, he doesn't think.

Commissioner Borries said he doesn't know why Mr. Easley can't contact Mr. Fehd then, rather than the attorney.

Mr. Easley said he will contact Mr. Fehd to see what he wants to do with the bridge.

Progress Chart/Boonville-New Harmony Rd. Extension: Mr. Easley submitted copies of a Progress Chart from Bernardin, Lochmueller & Associates on the design of the Boonville-New Harmony Rd. Extension which, he said, is on schedule. Mr. Tom Bernardin has told him that we may be within 60 days of having the approval necessary and we might start acquiring right-of-way for this road. It is Mr. Easley's understanding that we had expressed a willingness -- we were going to acquire the right-of-way with our own money and not have any federal money in that. Both Lee Gallivan and Rose Zigenfus say this is also their understanding. Mr. Easley said he needs to determine how much money we're going to need. We have an appropriation for that and if the money is not in the account, then he requests permission to go to Council to get the money to purchase the right-of-way, so we can keep on schedule.

Commissioner Willner said, "I had a call from a farmer the other day wanting to know whether he should plant his corn. Can Mr. Easley enlighten him in this area? There's a lot of corn and a lot of fertilizer involved in that acre of ground out there."

Mr. Easley said that if we get the final tracings completed by the middle of May, the next question is when would they put it on the letting? It would probably be two to three months. There would probably be an August letting, with construction beginning in September or October. He'd say to go ahead and plant the corn.

Commissioner Willner said the corn will be 4 ft. high by July. He told the farmer that if he planted it and we took it, that would be just that many more dollars we'd have to add.

Mr. Easley said that if we follow the guidelines, we'll need a right-of-way purchasing agent and an appraiser in a month and a half or so -- so the Commissioners might want to go ahead and make these appointments.

Report on Indianapolis Trip: Commissioner Willner requested that Mr. Easley advise the Board concerning what he learned during his visit to Indianapolis.

Mr. Easley said he met in Indianapolis with representatives of the Federal Department of Fish & Wildlife and a representative of the Department of Natural Resources on the alignment of Lynch Road. In talking with Cliff Ong of EUTS this morning, he understands that he received a telephone call from the Federal Fish & Wildlife people that concurred with the minutes which he wrote and sent up there. They said they were going to write a letter going along with our request to shift the alignment of Lynch Road so it will be on the section line (which will be the easterly prolongation of the Lynch Road alignment) which will be beneficial to those two developments near Oak Hill Road (Al Bauer's development and that of Guthrie May). It will reduce the impact on Fox Pointe and it will keep the road straight without a curve in it and they had some conditions that we try to acquire approximately ten (10) acres of woodland adjacent to Pigeon Creek and he talked with Mrs. Ryan who has property there (she is very old and has her home at Santa Claus) and she seems to be willing to cooperate with the county. But we have a year or two to try to satisfy the condition that we find someone willing to dedicate (or we acquire at a very reasonable price) some acreage that has

some trees on it next to the creek. When he gets their response he will bring it to the Commissioners and they can see if they concur with what has been negotiated.

Commissioner Cox asked, "What are we doing here? Replacing one wetland or one environmental thing for another -- making the road straight rather than having a curve in the road -- and we're making another environmental area elsewhere?"

Mr. Easley said this is correct. The one that was proposed would be across the creek from the Evansville Day School. On Mrs. Ryan's property, she will have approximately 26 acres south of the centerline of Lynch Road between the creek and Lynch Rd. It has a 570 contour line going through it. If the Commissioners will recall, that area is subject to flood elevation at 383 ft., so it would have a nominal 13 ft. of water over the center of the property when the 100 year flood comes. He thinks that Mrs. Ryan recognizes that about all it would be good for would be a borrow pit and it may be that we can acquire it at no cost to the county. The federal people said they would have no objection if we were to make a 10 acre to 15 acre borrow pit wetland lake on the property. They would prefer a lot of shallow water -- but make it deep out in the center - and we could make this available as a borrow pit when, and if, Lynch Road is constructed. He thinks that if the negotiations go well it will not cost the county anything. Eventually, it would be available as a wetland reserve.

Commissioner Willner asked if we can now proceed with the buying of the necessary land for Fox Pointe forthwith?

Mr. Easley said he'd say we should have the letter within a week. Actually, he has to get a total of three letters. But the important one was from the Federal Fish & Wildlife Department.

Commissioner Willner requested that Mr. Easley let the Commissioners know when he receives the subject letter.

The Chair entertained further questions concerning the matter. There were none.

Progress on Designs on Green River Rd.: President Borries said that last week when Mr. Easley was gone, he said he was concerned about progress on designs on Green River Rd., and asked to get a report from Dan Hartman, as to the status of the plans for the widening of Green River Rd. Bridge over Pigeon Creek. Where is that in relation to what the IDOH has said now at this point needs to be done?

Mr. Easley said they had a scheduling conference in his office last Tuesday to review the bridges that Mr. Hartman is designing. He has said that he has approximately six (6) weeks of work left on the bridge on Green River Rd. It is going to be separated from the existing bridge by about 5 ft. Last week we also received some minor revisions in the guard rail requirements and the width requirements for bridges being designed in Indiana, which will have a minor effect on the total width of the bridge. They want the guard rails of the bridge to line up with any other guard rails that are on the shoulders. This is a new requirement. He doesn't think this will cost us too much time. But the bridge criteria was discussed in a meeting with Lee Gallivan two weeks ago. He talked with him again last Friday and the new bridge is going to have guard rail and there will be guard rail on the old bridge, with an impact absorption device in the center of the road. That is the way this is being designed.

Commissioner Borries asked, "So this six weeks of work includes any revisions that the State told Dan Hartman that he had to do in that design. Is that correct?"

Mr. Easley said, "I believe that is correct."

Commissioner Borries asked, "Will that be sent back up to Indianapolis? Or will that be the final design?"

Mr. Easley said it will have to be sent back to Indianapolis for them to check. Last week we also made the last two borings that they had been unable to get in the creek bottom. We had to get a small, crawler tractor to make a ramp to get the truck and the drilling rig -- and we were able to get those and we have all the foundation investigation necessary for the design of the two piers. Sam Hansen's firm made the borings.

Commissioner Borries said there was some discussion on the status of Bridge No. 1 in the Bridge Report (the one over Barr's Creek on Boonville-New Harmony).

Mr. Easley said he hasn't seen those plans for several months. But Dan Hartman said this new criteria on the width of the bridges has a statement that federally-funded county bridges are exempt from this -- but Lee Gallivan didn't interpret it that way. According to the criteria, the bridge would have to be 41 ft. wide for the guard rail to line up with shoulders of proper width on a modern secondary road. That bridge -- on the bridge approach -- just does not have shoulders that wide -- and he may have to resolve that. So we may have to revise the width of the bridge. He just received the notice on the criteria last Friday. He will provide the Commissioners with a copy. The notice contains both the old and the new criteria.

Commissioner Cox asked if this is on the two bridges that we were talking about that were in the TIP program for federal funding?

Mr. Easley responded, "Yes; he's had that bridge designed for several months."

Commissioner Borries asked how much additional time this will take?

Mr. Easley said he has a scheduling meeting at 1:30 p.m. tomorrow and he will go over this with Hartman at that time to see what he says. Mr. Easley said he thinks the bridge currently is only a little over 30 ft. wide and that's going to add 5 ft. to either side of the bridge. The abutments and piers will have to be wider and it will take more beams. They can be extended -- but they are major revisions to say the least.

Commissioner Willner asked, "There's a possibility of their being one hundred percent (100%) federally-funded?"

Mr. Easley responded, "Yes."

Commissioner Willner asked why Mr. Easley doesn't call the IDOH and the Federal officials?

Commissioner Cox noted, "We need a time table, too. Bob said at the last meeting that his concerns were that in order to get these constructed in Fiscal Year 1987 that we need to get these under design and that we wanted to know at what stages our projects are so we can make a good assessment and know which way to go on Green River Rd., and what to farm out, or what to do in house. The same way on these other two bridges. We need these answers in order to make a judgment on which would be the best way to proceed?"

Mr. Easley said he will have an answer next week on that bridge.

Street Plan/Highland Ridge Estates: Mr. Easley presented street plans for Highland Ridge Estates. After checking the site, the Commissioners mentioned that the street had already been graded and the curb and gutters are in.

Commissioner Willner said, "Correct; and all we have to do now is waive sidewalks and approve the plans?"

Mr. Easley said, "That is correct. They are asking that the street plans be approved. The developer is not here to discuss waiver of sidewalks."

Mrs. Cox said, "Andy, the first week I was on vacation there was a meeting held to actually look at our road specifications to see if we needed more inches of base in certain areas, or thicker concrete or thicker asphalt. At what stage are we in now?"

Mr. Easley said he has sincerely been working on that. He's had conversations with Jim Morley (who was interested) and an engineer for one of the local paving companies, who builds a lot of subdivision streets. They have not yet consolidated their thinking, but he thinks there is a good chance that they are going to recommend that the thickness of the pavement be increased, as well as additional measures for crack control. He would like to see street plans, the design criteria, maybe even go so far as to do soil testing, such as have a CBR run and let the engineer tell us what the CBR is and base the thickness of the pavement on the CBR. Right now our standards say "Six (6) inches throughout the whole county for crushed stone and concrete -- and we pay no attention whether it is sandy soil down by the river or whether it is the worst clay in the world next to Pigeon Creek."

Commissioner Cox said she received a memo from one of the government entities requesting permission -- and it went to the Mayor -- for federal authorities to come in and do a complete soil analysis for all the soils in Vanderburgh County. It is her understanding that this is either finished or nearly finished. She thinks this would be a great help.

Mr. Easley asked, "Soil analysis? Is that different from the soil survey?"

Commissioner Willner said the Soil & Water Conservation Service has a soil survey.

Commissioner Cox said, I think it is -- but you might want to check on that. I think that's the only way we're going to solve our road problems out in the county.

Mr. Easley said, "We don't want to chase all the builders into another county. I think Bill Bethel and I share some concerns. And those of you who were at that meeting with Tony Clements -- they expressed their sentiments. It may be a matter of adding some sub-base to the concrete pavements. But I think we're going to have to pay attention to the soils the subdividers are working with. There have been some within the last twelve months who have done lime stabilization, because they just couldn't get it to hold up their grading equipment -- and they did that."

Commissioner Cox said, "I think that's the only fair route to go. Our soils in Vanderburgh are also very funny. You can dig a hole all the way down right here and take two steps over and hit sand-rock; I know you do in our yard. And we have soils like this. But to be fair to everyone involved, if they're going to build a subdivision out in the area, they have to have soil analysis for septic systems and for the drainage to work -- and I think it would be good if we had this for our roads. This is the only way to know they're in an area where they have difficult soils and it is going to cost more to develop and do it correct. It takes the subjectivity out of the individual's presenting plans to the Board, which I think is the fair way to go."

Commissioner Borries said space is getting scarce in Vanderburgh County. There just isn't anymore available space on the east side and the growth is going to be in the north side and west side. So he thinks we're going to have to address these concerns -- the soils and some of the development on the west side is going to be clearly different from the east side. Again, we're

not looking at any further available space on the east side. Perhaps some small development on the southeast side -- but not much. And we've expanded to look at the overall drainage plans in some of these areas to see where the top of some of these areas drains, so that if we're going to set up detention or retention ponds that they occur in the proper spots -- and we're going into more and more areas now that are going to be wooded; the soils are going to be different from the flat farmland on the east side...but there is no country left on the east side. There might be a little out by the Country Trace area, but it is rapidly filling.

Continuing, Commissioner Borries asked if Mr. Easley recommends approval on Highland Ridge Estates? They will have a rolled type curb? Is that correct?

Mr. Easley said it is a concrete rolled curb; the street will have a crushed stone base with three (3) inches of asphalt.

Motion was made by Commissioner Willner that the street plans be approved and the sidewalks waived for Highland Ridge Estates Subdivision, with a second from Commissioner Cox. So ordered.

Rollet's Lane Bridge: Mr. Easley queried the Commissioners re the proposed Rollet's Lane Bridge, asking if they had had an opportunity to give this project some thought?

Commissioner Borries asked the Board how they feel about this?

Commissioner Willner said he did a little homework -- and he is ready to go with it. It is something new -- let's see what we can do.

Commissioner Cox asked, "Andy, did you find out about the runaround?"

Mr. Easley responded, "I have not been back out there. But we have to order these structures and then I can check to see what can be done about the runaround. I don't want to build a runaround if we can make alternate arrangements. He's put this on hold until the Commissioners were willing to approve the project. At that time, we'll go with our plans and see if we can get a bridge there in 6 to 8 weeks.

In response to query from Mr. Easley, Mrs. Cox said she imagines the smaller lane is on the section line between the Lutz property and the other gentleman. She asked if those forms sit right down on the earth?

Mr. Easley said, "No, no -- they set on a 6 ft. wide spread footing....and he drew a diagram for Commissioner Cox."

Commissioner Cox said it is a floater. That water comes down there with terrible force.

Commissioner Willner asked if this will have dowels between the footing and the cap?

Mr. Easley showed the Board what he described as accurate plans. He and Commissioner Willner spent several minutes perusing the plans, with Mr. Easley answering several questions. (Inaudible, because there was side conversation.)

Commissioner Cox said her only concern would be not having a base down. One time when Wolf Creek flooded, their big Browning-Ferris dumpster at Kuester Field was carried up and floated and landed on top of the bleachers. That water really has a lot of current in it.

Mr. Easley remarked that the bottom of the spread footing will be three (3) ft. below the mud line and there are bridges you need to put on piling, there are structures you can put on spread footing.

Mrs. Cox said, "I'm alerting you -- I live out there. Things might look good on paper and on a map -- but when you live out there and you see what actually happens when it rains -- it makes you concerned."

Mr. Easley said, "There is a 13 ft. span bridge there now. There is no evidence of scouring with the flow that goes underneath. We're going to put in a 24 ft. span -- because it is just a few dollars more to go 24 ft."

Mrs. Cox said, "I thought you said we were going 32 ft."

Mr. Easley said "No, that is the roadway width. There are four 8 ft. wide sections."

Mrs. Cox asked, "What is four times eight?"

Mr. Easley responded, "Thirty-two"; but the waterway opening is only 24 ft. Continuing, Mr. Easley said there aren't very many applications for this type structure in the county. But he thinks it will save us several thousand dollars and it is a good application. It is fast; we can scoot the street away from Broadway."

Commissioner Willner asked, "Do we have to go through a company or do we buy this direct from the factory?"

Mr. Easley said we'd buy this from the manufacturer; it is a proprietary item. They will cost \$16,000. There is one company that makes these (he thinks they have offices in Cincinnati and Louisville that have the forms).

Commissioner Willner asked, "Who would install it?"

Mr. Easley said what he has in mind is to get a contractor who has a large backhoe to do the channel excavation and pour the concrete. We'd then rent a crane. He figured there'd be \$2,100 in crane time on one day to set the forms. There aren't very many cranes around that can lift what has to be lifted. But we may spend \$19,000. If we don't have to put the runaround in, he thinks we can shave some money off that. We'll have to buy the concrete for the footings; we will eventually have to put asphalt over the top of the road and push crushed stone on top of it.

Commissioner Willner asked, "What you're saying is that you want the county to be the contractor?"

Mr. Easley said that is correct; we'd be our own contractor. He and Mr. Gwinn will be the construction managers. If the Board will give him authorization to move ahead with this, he will get a time table, etc.

Commissioner Willner asked if the State law says we have to bid on services? This is not a service it is a product - \$16,000 total for culvert sections. There is only one company in the U.S. that makes these. He asked Counsel if we have to advertise?

Attorney Miller said the statute will indicate that we would have to advertise. If we do, the likelihood is that we wouldn't get a bid from that company. Probably the solution is to do the requisite statutory advertising and send an invitation to this particular company to bid and put in the specs what we want to buy. With that kind of price we have to meet the statutory advertising requirement.

Motion was made that Mr. Easley advertise for a pre-manufactured concrete bridge for the Rollet's Lane bridge site, with a second from Commissioner Cox. So ordered.

Commissioner Borries requested that Mr. Easley provide the Commissioners with a report on the runaround and check with Attorney Miller in order to advertise in a proper fashion.

Commissioner Willner said, "We'll try this and see how it works."

Commissioner Willner suggested that Mr. Easley talk with Bob Lutz about the runaround and the water pressure -- he's lived there and he knows.

In conclusion, Mr. Easley said if the Commissioners would like to see one of these structures which has already been installed, he will check to see where the closest such structure might be. He's afraid it may be in Ohio.

Commissioner Willner suggested that Mr. Easley check to see where the closest one is -- and write the County Engineer of the subject county to see how he likes it

TRAVEL REQUEST - WEIGHTS & MEASURES

The meeting proceeded with Commissioner Borries reading the following travel request letter:

January 27, 1987

To: Vanderburgh County Commissioners

From: Loretta Townsend/Weights & Measures

I am requesting permission to travel to Indianapolis to the Indiana Board of Health Laboratory to have all the weighing and measuring equipment certified that is used in Vanderburgh County. I have a choice of making either two separate trips, one for weights and one to test measures -- or making one trip, staying overnight and doing one on Tuesday March 3rd and the other on Wednesday, March 4th, and returning finished. I feel that this would be the better way to go. The weights and measures van will be needed on this trip because of the equipment.

Second, I am requesting permission to attend the Annual Weights & Measures Conference to be held in Warsaw, Indiana, on April 8, 9 and 10. Due to the distance involved and the difference in the time zones, it will be necessary for me to go on the 7th and stay overnight in order to be there when necessary. I will need to use my own vehicle, so that the department van will be in service while I am away. There are sufficient funds in the department budget for this. I do not have a schedule but will turn it in later when it arrives. I am requesting both at the same time in order to save time and to make reservations that are necessary ahead of time.

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

RE: ACCEPTANCE OF CHECK - EVANSVILLE CABLE T.V.

President Borries read the following letter:

January 27, 19987

Mr. Richard J. Borries, President
Board of Commissioners/Vanderburgh County
305 Administration Bldg./Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

You will find a check in the amount of \$20,898.72 which represents the 4th Quarter payment (October, November and December 1986). New York failed to send us the back-up data for this check. I have requested same and will forward it as soon as receive it. I felt that the county would want to have the payment immediately.

The 1st Quarter of 1987 should reflect a higher income simply because of the rate increase on the basic and additional outlets.

We have just completed the Mesker Park-Kremer Road area. We are near construction on Boonville-New Harmony Rd, which will include the residence of Joe Unfried. We have several other small projects we are doing in the county area.

We at Evansville Cable again would like to thank the County Commissioners for giving Evansville Cable the pleasure of serving residents in the county with cable TV service. If you have any questions, please feel free to call me at any time.

Thank you, and

Best regards,

Robert D. Ossenberg
Vice President & General Mgr.

Motion to accept check and deposit into General Fund was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. (The back-up data was enclosed, having arrived before Mr. Ossenberg's letter was mailed.)

RE: ALEXANDER AMBULANCE SERVICE, INC - MONTHLY REPORT

President Borries presented monthly report for period ending December 31, 1986, from Alexander Ambulance Service, Inc. Mr. Borries noted that a Quarterly Report is also attached, which indicates a loss of \$195,809.30 according to their statistics for the entire year of 1986. Reports received and filed.

RE: OLD BUSINESS

The Chair entertained matters of old business. There were none.

RE: SCHEDULED MEETINGS

President Borries said an announcement will be made -- and there has been some question as to whether County Council members wanted to attend the Public Hearing on County Roads, which has been scheduled for Monday, February 23rd at 7:00 p.m. He asked if the Commissioners are agreeable to extending an invitation to the Council to attend?

The Commissioners were unanimous in their decision to extend the invitation.

President Borries requested that Mr. Jim Lindenschmidt prepare the invitation and submit to the Council Secretary.

Tues.	Feb.	3	8:30 a.m.	Chuck Frary Demo on Sealing Roads
Wed.	Feb.	4	2:30 p.m.	County Council Mtg.
Wed.	Feb.	4	6:00 p.m.	Area Plan Commission
Mon.	Feb.	23	7:00 p.m.	Public Hearing on County Roads

RE: APPOINTMENT

The Chair asked if there are any appointments to be made. There were none.

RE: EMPLOYMENT CHANGES

Weights & Measures (Appointments)

Gary Anderson	Dep. Inspector	\$35.00/Day	2/2/87
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Weights & Measures (Releases)

Raymond E. Kahre Dep. Inspector \$35.00/Day 1/26/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:45 p.m.

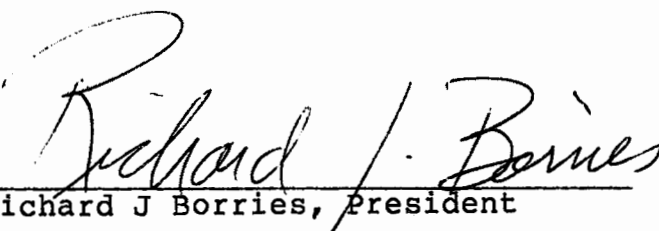
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David S. Miller

<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
Bill Bethel	Andy Easley	B. Cunningham B. Behme

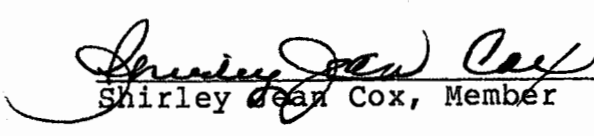
OTHER

J. Nord
E. Stanton
James Morley
News Media

SECRETARY: Joanne A. Matthews


Richard J Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 9, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday February 9, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order at 2:40 p.m., and President Borries said that approval of the minutes of the previous meeting will be deferred until next week.

RE: BUILDING COMMISSION - MONTHLY REPORT

The Chair recognized Mr. Gene Meyer, Building Commission Assistant, who stated that Mr. Roger Lehman is out of town today. President Borries welcomed Mr. Meyer and asked if he would like to proceed with the report.

Mr. Meyer submitted copies of monthly report for the month of January 1987. Mr. Meyer said single-family housing is up from last year and the valuation is up about \$1,300,000.

The Chair entertained questions of Mr. Meyer. There were none.

RE: TALL TIMBERS SUBDIVISION - ROBERT JARRETT

President Borries proceeded by recognizing Mr. Robert Jarrett, who said he is present to finalize details on subdivision just recently completed in McCutchanville at the corner of Browning Rd. and Hillsdale Rd. They began the subdivision during the months of August and September in 1985; later on it was paved; the sewer was installed; they received approval on the sewer this week. It has been accepted for maintenance by the city. The water and electricity are in.

His original intent was -- and still is -- to make this a fine residential area. The homes out there are some of the finest and the largest in this part of the country. He wanted something there that would, of course, blend in with the homes in McCutchanville. This woods that he was able to obtain -- he had wanted for some time. He bought it from the Flittner family (which Mr. Flittner's wife was a Kellogg; and it has been in the Kellogg family for almost one hundred years.) It is virgin timber and virgin woods. He felt real fortunate in being able to purchase this from the Flittners; it was a part of their extensive holdings.

Having purchased the property, he proceeded to lay out the subdivision where all the lots would be about one acre and will run in a price range where people can still buy them and build them a fine home. They have done this. The zoning was approved by the Drainage Board and the Land Commission. They did ask for a waiver on the sidewalks and curbs. They got it on the sidewalks. He left the Area Plan meeting that night thinking -- and he spent eight years on the Area Plan Commission -- that the whole thing was clarified. However, they had apparently overlooked obtaining waiver of curbs and gutters. There is no subterfuge on his part and he has no alibi. He said he would like to think of themselves as professionals; they build quality things for the city. This is his home as well as that of the Commissioners. Now that everything is in, completed and finalized, he has ten (10) homeowners. One moved in yesterday and another home is up and under roof. Another will be starting next week on a house and yet another on May 1st. He is here to ask for final approval on the subdivision in order to wind up the whole thing. Mr. Jarrett then entertained questions.

The Chair entertained questions.

Commissioner Cox said she doesn't believe Mr. Jarrett mentioned the name of his subdivision.

Mr. Jarrett stated that his subdivision is known as "Tall Timbers".

Commissioner Borries said that Mr. Jarrett mentioned the size of the acres and the houses. What would he estimate as the average price of some of the homes in this area?

Mr. Jarrett responded that the man who purchased Lot #32 is probably looking at \$250,000. One home has been completed and it has to be in that range or well above it. There is a doctor who is building out there and he has in excess of two acres and he is certain he will have homes in this price range or above. Every lot is just about an acre -- some slightly more or less. Everything possible was done to preserve the woods; they cleared out the underbrush, etc. The boulevard, entry columns and lights will be maintained by the homeowners.

Commissioner Borries said Mr. Jarrett mentioned his concern for the trees and the setting. With regard to any trees on the cul-de-sacs, would it be recorded that the Homeowners Associations would be responsible for the maintenance of those?

Mr. Jarrett responded in the affirmative, again saying they would be responsible for the maintenance of the street lights, entry columns and the cul-de-sacs.

The Chair entertained further questions.

Commissioner Willner said he had talked with Mr. Jarrett earlier. He assures him that the Homeowners Association will be responsible for the land and trees in between the roads. This will then be recorded on their deeds, so they will be required to maintain those sections.

Commissioner Borries asked if there is any reason, perhaps because of the grade or whatever -- as to why Mr. Jarrett chose to put in asphalt streets rather than using any other material? Or, just for the aesthetics of the area?

Mr. Jarrett responded that they have used both materials. He built Morgan Center on Morgan Avenue and that was done with concrete streets. He felt that in a suburban area that asphalt streets would look better. There is almost no difference in the dollar cost.

The Chair queried the other Commissioners concerning their feelings on the matter.

Commissioner Cox said Mr. Jarrett said he met the county specifications on the asphalt road and she has no doubt in her mind that he has, insofar as putting the roads down. But, how long are those roads going to last? The county is going to be responsible for maintaining them once they have accepted them. Another of her concerns was the drainage along the roadsides. In two different instances, water was running across the roads; not down the sides but across (just below an intersection). With regard to the only ditching she saw, the bank had slipped down and eroded (back near the cul-de-sac where the lift station was). The boulevards in between the streets had either trees or grass - water was standing inside around the grass areas of the cul-de-sacs or the boulevards, which means that when water stands it gets under the edges of the pavement and causes some problems, especially in periods of freezing and thawing. Mrs. Cox said those were her concerns about the drainage.

Another problem she noticed was the one shoulder of the road; the pavement itself was very, very close to the trees and very, very close to a ravine-like area. The streets did not have names, so she couldn't tell about that. She had a small map she was using. And these were the concerns that she had presented to Mr. Jarrett -- the drainage, and how this was going to affect the maintenance of the streets? She did express concerns about the maintenance of the boulevards; and the timbers that were placed along the entrance looked like big railroad ties or something. When those are gone,, who is going to have to put those back? The county? Mr. Jarrett has addressed to some degree the homeowners' responsibility to do this.

Mr. Jarrett said all of the boulevards and the cul-de-sacs are the responsibility of the homeowners.

Commissioner Cox said her next question is, "Have you amended the drainage plan or anything out in the area? A drainage plan to solve the problems pointed out earlier?"

Mr. Jarrett replied, No, Ma'm, but I surely can and will if...."

Mrs. Cox addressed Mr. Easley and asked, "You mean the original drainage plan that was submitted -- he has complied with that?"

Mr. Jarrett commented that they had Drainage Board approval for all of Tall Timbers.

County Engineer Andy Easley interjected, "Yes, it just has culverts under the roads and there are no retention basins. That is just the way the plans were approved."

Mrs. Cox said, "Andy, I know I did talk to you about the one area (the intersection -- I can't remember the name -- but as you go in off of Hillsdale Rd. and you take a left, it is at that intersection -- it's very, very steep -- and then I saw the dirt and leaves where they has washed across the road; and I could not see a culvert there at that intersection."

Mr. Easley said that if there is no culvert, then it wasn't shown on the drainage plan. It was such a small amount of water that it wasn't considered necessary. All the culverts that were on the drainage plans and approved, were installed. If the Board wants to have Bill Jeffers field check it, then they can. But there were no culverts omitted.

Mrs. Cox said, "You know, we sit up here and we accept plans that we say will work. And in all good faith, we believe that they will work. And then we find out that they don't always work. For one reason or another the different soils we have here in Vanderburgh County are very, very volatile at times and difficult to work with. So I do have concerns. It is a beautiful area; I have been out there several times. I thought that was what you were describing when you were up here at the microphone. This is the first time I recall your appearing before our Board. But I thought that was what you were talking about and that is why I asked you for the name of the subdivision. But I sincerely have concerns about the drainage out in that area and....."

Mr. Jarrett interjected, "Mrs. Cox, you're going to find a lot of drainage problems in a lot of subdivisions where there are not many homes built. Once the homes are built, a lot of the drainage problems take care of themselves."

Mrs. Cox said, "Well, that could be well and good; but they say if you don't have rolled curbs and gutters on your streets then you meet the specifications of having your shoulders and side ditches to take care of the drainage. We have no rolled curbs and gutters out there. And there is no shoulder there. It is ravineous. I know there was some difficulty in installing some

of the utility lines out there because of the inadequacy of the shoulders. We have other subdivisions to consider and I don't know what you're asking us to do here. You said to 'accept it'; do you want final acceptance on the waiver of a rolled curb and gutter? Is this what you're asking for -- or what are you asking us to do?"

Mr. Jarrett said when he got approval on the zoning about a year ago, he doesn't know that curbs were brought up that night. He assumed it was one and the same. As stated, he has no alibi. And there are no curbs and gutters out in that area anyplace and there are four major residential areas that require several hundred acres.

Mrs. Cox said, "I understand the curbs and gutters. But if you don't have some maintenance for protection of the shoulders of the roads with your rolled curbs and gutters, then you need some protection for shoulders there that are seeded or sodded or graveled or whatever you want to do for protection.

Mr. Jarrett said they are all seeded. (The rest of Mr. Jarrett's comment was inaudible due to side conversations).

Mrs. Cox asked whether Mr. Jarrett noted any trail of mud or debris that was carrying across the one intersection? It's a very steep intersection grade; and again she doesn't know the name of the street -- but as you come off Hillsdale Rd. you turn in and you turn left and then it would be the first street and cul-de-sac to the left. Then you come on back down and on up to the end of the "T" and then you turn around and go the other way toward the pump station (the lift station). Mr. Easley mentioned that we might have Mr. Jeffers of the Surveyor's Office check the drainage as it is set up. She would really feel better if we could do that and make sure that it is in accordance with the drainage plan approved. If we're still having water coming across that road, she thinks if the Board approved the drainage plan and Mr. Jarrett has done it according to that plan, then maybe we need to make an adjustment in there -- and Mr. Jarrett has said he would be more than willing to do that. She thinks this speaks very well for his attitude.

Commissioner Willner asked if Mr. Jarrett would be willing to meet with Mr. Jeffers -- and he, himself, will meet with them -- and then they will get all the concerns ironed out?

Mr. Jarrett indicated he would be glad to do so. He said, "Ladies and Gentlemen, a subdivision is something you live with a long time; the lots do not sell overnight." He said he would be glad to take care of any problems and make it right. All he is asking is to get it finalized.

Commissioner Cox said, "For your information, a new subdivision ordinance was passed almost three years ago that does call for sidewalks, rolled curbs and gutters in subdivisions -- and does have a provision for waiving the sidewalks. But it does not speak to the rolled curbs and gutters just automatically being waived when the sidewalks are waived."

Mr. Jarrett said no one ever brought that up.

Commissioner Borries said he thinks there was some confusion on it. He knows Mr. Jarrett has some concerns about this. The meeting will be scheduled at a time agreeable to all parties. Anything that the Commissioners can decide on at that point -- will be decided. He asked that Mr. Jarrett call the Commissioners' office to set a meeting time.

Commissioner Cox asked, "Does the Surveyor's Office think they can arrange to check this drainage plan sometime this week?"

Mr. Jeffers indicated he believed they could.

Mrs. Cox said she thinks they need to do that before the scheduled meeting between Mr. Jarrett and the Commissioners.

The Commissioners expressed appreciation to Mr. Jarrett for his presence, comments, etc.

RE: REQUEST FOR WAIVER OF CURBS, GUTTERS & SIDEWALKS
ON EICHOFF ROAD - BATEMAN PROPERTY

The Chair recognized Mr. James Morley, who was appearing in behalf of Mr. Lee McClellan concerning property on Eichoff Rd.

Mr. Morley said Mr. Danny Bateman has a piece of property out on Eichoff Rd., which is 17 acres. They have a subdivision prepared to submit. But, as the Commissioners know, he runs Morley's Construction Company. He wound up with a concrete crew free. He called Mr. Morley's office and asked that they tell him quickly what the standards were, because he was going to put a crew to work building a road out there. Mr. Morley told him he was getting the cart before the horse. But Mr. Bateman said that as long as the road plans were o.k., he was going to go ahead and put the roadway in, with the Commissioners' approval. Thus, even though the subdivision has not been before the Board and had approval, he is here to query them concerning the design of the roadway. Have the Commissioners seen any of the drawings at all? The Commissioners responded that they have not.

Continuing, Mr. Morley said the 17 acre site is located at Eichoff and Middle Mt. Vernon Roads. Mr. Bateman is going to build his own home back there. Because he had the access and wanted a couple of more lots, they platted the subdivision in six (6) lots. Mr. Bateman is not sure he is going to sell all of them. Nonetheless, there are six (6) lots on the 17 acres; an average per lot of 2-1/2 acres. You enter off Eichoff Rd.; and if the Commissioners look at the flood plain information they'd see that down along the creek there is some area in the flood plain. Approximately the first 300 ft. of roadway is in fill. Because they're in fill, they are requesting permission to build a road with shoulders, as opposed to a road with curbs. They are asking for waiver of curbs and gutters. It lends itself better to a roadway in fill. At the present time, Mr. Bateman only has plans for his own house. There is no problem with the 70 ft. thoroughfare setback, as the lots are an average 2-1/2 acres. Mr. Bateman wants to build a private driveway to county standards -- that's all he's asking for.

Mr. Easley emphasized, "It's a glorified private driveway built to county standards."

Mr. Morley said "That's correct."

Commissioner Borries asked, "Are you saying that you want the county to accept this at some point in the future?"

Mr. Morley said, "He wants to build the road to standards that you would accept. He assumes that his intention is to plat this as a subdivision, so they want to design it to whatever standards the Commissioners require for acceptance in the future. The only thing is that he is building the road before the plat is approved. If the plat should not be approved, he will wind up with a fine private driveway."

Mr. Easley said he hasn't seen the drainage calculations.

Mr. Morley said he has all of those -- all the pipe sizes and everything. He has both the 25 year and 100 year calculations; they cross-sectioned the whole drainage basin.

Commissioner Cox queried Mr. Morley concerning the types of soils where the roadway is going in?

Mr. Morley said it is a silty clay material.

Commissioner Cox asked, "What are the specifications for this, Andy? How many inches and how many inches?"

Mr. Easley said, "You're proposing concrete?"

Mr. Morley verified that this is correct.

Mr. Easley said, "Six inches for concrete over sub-grade."

Mr. Morley said, "He will have to bring in fill for all that lower area; he'll strip the topsoil and have the lower area on fill. The standards we've drawn there are all right off the county standards detail sheet -- but they are requesting that they be allowed to go without the curbs. Otherwise, as you pointed out to Mr. Jarrett, it is an automatic requirement. We want to bring that to your attention. Otherwise, we have no assurance that once completed in accordance with plans that you would accept that. Another thing, we're not asking for waiver of any other type requirement -- and I realize that at the moment we have an ordinance that says curb and gutter without waiver and the county's design standard sheet that shows either way. So they're bringing this to the Board's attention. The reasons they are asking for waiver of curb and gutter is that the roadway itself being in fill lends itself a little better to construction with shoulders and the density being only 6 lots on 17 acres means there are only six (6) driveway culverts to be included on this whole roadway. So there won't be a row of driveway culverts every hundred feet. They feel that there is technically nothing wrong with a 24 ft. wide street with 6 ft. shoulders on each side.

The Chair entertained questions.

Commissioner Willner said he has no problem with the concrete surface or waiving the curb and gutters. He would, however, like assurance from Mr. Bateman that he will not build in Lot #1 for a period of time. Right along there where Mr. Morley is talking about the fill - we have two ways we might go.

Mr. Morley said we can probably get assurance from Mr. Bateman that he will not build for a year or 18 months, since he only intends currently to build his own house. Would a year be satisfactory?

Mr. Willner said that 18 months would be better.

Mr. Morley said he believes the assurance is obtainable, as from every indication by Mr. Bateman to them, he does not intend to develop along that road in the foreseeable future. He said that, naturally, he'd want to ask Mr. Bateman; but his statements to them indicate that this would not be a problem."

Commissioner Willner said he does not believe the Commissioners could make him do that -- but it would just be nice if he would agree to that.

Mr. Morley said he believes he will -- he really feels sure that he will, because he has told them very definitely that he has no plans for immediate development, other than his own home.

Commissioner Borries queried Mr. Morley concerning the name of the subdivision.

Mr. Morley said he doesn't know -- at the moment we can just call it "Bateman Drive".

Commissioner Cox said, "Jim, I have no problems with the sidewalks at all; I do have problems with the curbs and gutters -- I really do."

Commissioner Borries remarked, "Where we're running into a problem is -- we're trying to be as consistent as we possibly can -- and we have two quality developers with us here. It is very difficult to be consistent all the time with this. There had to be some rationale as to why this was asked for in the first place."

Mrs. Cox interjected, "There was a lot of rationale and a lot of discussion. I served on Area Plan for four years; I served on the Subdivision Review Committee four years; and there was a lot of discussion and a lot of input before this ordinance was even drafted to include the rolled curbs and gutters. Chapel Hill is out there not too far. I looked at so many subdivisions over this weekend. Right down from Chapel Hill is Woodward Subdivision that has the rolled curbs and gutters, plus big shoulders along the sides of the roads. I think our main responsibility is that when we accept the road for maintenance, (then we have to maintain that road) is to make sure that we get as much use out of the roads as we can. And I feel very strongly concerning the curb and gutter situation. I would really feel bad saying, 'O.K., go ahead and put it in. Then, down the road when Mr. Morley comes back in to get it accepted, some of the Commissioners may not be sitting here and the county standards say thus and so -- and then.....sidewalks I have no problem with."

Mr. Morley said he would like to offer some rationale about curbs and gutters and the advantages and disadvantages of them. "A curb and gutter street is about \$10.00 more per foot to fill; I don't know what you've been using, Andy, maybe \$15.00.-- but \$10.00 or \$15.00 more per lineal foot to build than a street with shoulders. That is for the pavement, itself. A curb and gutter street then says that we're going to carry the water on the road -- we're not going to carry it off in the shoulders -- but on the road in the gutters. That's the criteria."

Mrs. Cox interjected, "Basically, yes."

Continuing, Mr. Morley said, "That is the criteria. So that then commits us to development of a storm sewer system. We have to now have a storm sewer system, because we have to have pick-up points. We can only go so far and we have to put in inlets. We now have those to maintain and we usually like to see a curb and gutter street being cut most of the time if we can. It is nice to not go up over the rolled curb and then bump right back down again and it makes a very awkward section when you're in fill, because you have the fill and you bump up over the top and you have to go back down to ground on the other side. A curb and gutter street will disturb less trees if you're in a wooded area than it will a 24 ft. street with shoulders. See, there is 24 ft. of pavement and two 6 ft. shoulders on each side. That's 36 ft. out before you begin the ditches. You go 3:1 ditches at 1-1/2 ft. deep and now you're at least six (6) more -- in fact you almost can't get it within a 50 ft. right-of-way. So you wind up with a slot clear through the woods normally about 60 ft. wide. Whereas, a rolled curb and gutter street you are narrower in the woods. As mentioned, in Bentwood, Bill Koester did side ditches on his subdivision initially and was very unhappy with the number of trees he took down that he wanted to save. But that was the standard. Now, in Plantation, he's going to go back in with curbs, because he can save more trees in the woods. If you're out of the woods it doesn't make any difference -- you're just shaping the lawn. A curb and gutter street already has the erosion control if you're out on steep grades -- 8% slopes and 9% and 10% slopes -- if the water is rolling in the curbs, it is not cutting down through the ditch. If you're out on relatively flat ground, you don't have any problem either way. As a matter of fact, you begin to have problems with your curb and gutter streets, because you have to put a synthetic grade in. If the street is flat, you have to make it go up and down. You have to

go up and down so you can carry the water and force it to an inlet. There are engineering trade-offs for both methods. There are advantages and disadvantages. Curbs and gutters are not inherently better than streets with shoulders. As a matter of fact you would not have the State Highway Department in doing Highway 57 or the plans were prepared saying we want a travel way and we want a shoulder out here. We want to encourage people to park there; but we want 24 ft. of thru pavement. Those are just some comments. I don't happen to believe that it is always wise to be curb and gutter. If you set yourself up in a situation where curbs and gutters are the only thing you will accept, then you come back in and what are you going to do on a roadway project you're talking about --Eichoff-Koressel -- you're never going to allow yourself to build one with shoulders?

Commissioner Cox stated, "We waived one a month and a half ago, I guess, because of the springs. And I think that whenever there's a reason that can be given for the change, then I say 'O.K.' But I feel very strongly about rolled curbs and gutters. It has to be a case of "either"/"or". It has to be rolled curbs and gutters or what you said -- the big shoulders with the side ditches for drainage."

Mr. Morley said, "That's right. Your standards really don't allow anything else. I don't know if I left out any other reasons, Andy, that you can think of. But, in short, there are options. One is not inherently better than the other; and there are reasons why you should consider it. The big disadvantage of any street with side ditches is that anything that has 100 ft. lots, then every 100 feet there is a driveway culvert. That has become a kind of nightmare. It doesn't look great."

Commissioner Willner stated, "I agree. I am going to have to move that request for waiver of sidewalks, curbs, and gutters be approved for Bateman Drive."

Commissioner Borries asked, "And that does include the 6 ft. shoulders that you have indicated and the ditches?"

Mr. Morley said "That is right. Everything exactly in accordance with the county standards detail sheet."

Commissioner Borries asked whether Mrs. Cox is going to second the motion?

Commissioner Cox said "I will second the motion; but if you want a roll call vote, I will....."

President Borries said a motion had been made and seconded to approve the request. He then asked for a roll call vote: Commissioner Cox, No; Commissioner Willner, Yes; Commissioner Borries, yes. Motion passed with two affirmative votes.

RE: BRIDGE RE-INSPECTION CONTRACT

In response to query from Commissioner Borries, Mr. Easley said he does want to comment on the matter of bridge re-inspection. He does not know what initiated the subject being included on today's agenda, but he was going to bring it up anyway. The bridges were officially inspected in the summer of 1985 and they are supposed to be inspected every two (2) years. We need to think about retaining a consultant to do what is called "re-inspecting" them. If we're going to do that, he thinks we have to advertise.

Commissioner Willner said he asked Mrs. Meeks to place this item on the agenda. He wasn't particularly fond of the job Burroughs did on the Bridge Report and he related that to the both the Federal Highway and State Highway departments. They said that if that was true and we did plan on changing companies, that we

should do so immediately, because by March or April we have to let the contract for 1988 off-year inspection. It's an updated inspection, is that right?

Mr. Easley said he believes we have to do it in 1987. The bridges were inspected in 1985.

Continuing, Mr. Willner said the reason it is on the agenda today is so the Commissioners can make a determination as to whether they are agreeable to having Burroughs doing it again or whether they need to find a different firm to perform the re-inspection.

Commissioner Cox said "I need to know several things, I guess, one of which is, what does a re-inspection consist of? I have a copy of this proposal from Cole Associates up in South Bend talking about what their services can provide. How much do we have to go into this re-inspection? It's a major inspection every four (4) years and a simplified re-inspection every two (2) years after each major inspection. So what does "simplified re-inspection" mean?

Commissioner Willner said, "Update".

Mr. Easley said the purpose of the re-inspection is to visit the bridges and verify that there has been no substantial change in their condition. He doesn't know how many hours they will budget per bridge. The last time he believes we took what we paid and divided it by 130 bridges, and he thinks we got it for something like \$80.00 per bridge.

Commissioner Willner said, "That's cheap."

Mr. Easley said it seems to him that they proposed that they would re-inspect the bridges for a \$12,000 contract. He can check this out. Another firm should do it for a comparable amount.

Commissioner Cox said, "They talk in here about taking all these pictures and different things that we just had done. I don't know that we need to have all that done. My other question is, Bob said he wasn't necessarily well pleased with the work they did. What was the problem with it?"

Commissioner Willner responded: "To answer the first part of your question, this is required by statute that we do this -- so we have no real choice. It is federally funded. They did ask if we could take it out of the bridge fund to do that; but it is federally funded.

In response to her second question, he thought we took a cheap price and got a cheap job. I guess they didn't take into consideration the traffic on some of the bridges. We have some narrow bridges that even he knows traffic-wise will be there another 100 years without any maintenance. But they are narrow and some of them maybe have anywhere from one to three cars per day. "I read the minutes from the Board of Zoning Appeals the other day, and they were talking about Boyle Lane bridge. And there's zero traffic on it. So why should we spend any money on it? Yet, it's ours and I don't believe they were familiar with the true problems and solutions to the bridge and did not take into consideration that this bridge is not used. Through the entire book it's something like that. I believe one of the bridges they said should be repaired was Mosquito Road Bridge. If there were five cars on it per day it would be a traffic jam. I just thought that they didn't do an indepth study of the bridge. They might have done a good job of just looking at the bridge and determining whether or not a specific bridge needed replacement, or so much work on it, or whatever. But they did not take into consideration the fact of the amount of traffic.

Commissioner Cox said, "Well, I thought it was a pretty good report. I took their book and drove to almost every bridge around that was in that report -- and I found the cracks that they were talking about and other things. I thought it was a pretty

decent report. The pictures were very good -- and it surely helped you locate the bridges. In fact, I don't know that their job is to actually recommend. It is up to the Commissioners to decide what they are going to do with that report. And I don't think we have to take it as the Bible. I think it is a guide for us in our overall planning on bridge replacement. But I felt their work seemed to be pretty good."

Mr. Easley said he would have to agree with Commissioner Willner. He thinks that some of the conclusions that they put into the report were not well thought out and not really based on traffic counts, and they weren't cost effective -- because some of the bridges that they recommend be replaced were not heavily traveled. Therefore, he did not place a whole lot of confidence in their recommendations and conclusions as to priorities. He does believe, however, that they pointed out deficiencies where there were deficiencies and did a good job of inspecting the bridges.

Commissioner Borries asked, "Hasn't the statute changed now to where it has to be done every two years? Is that correct?"

Mr. Easley said he believes that is.....

Commissioner Willner interjected, "Every four (4) years -- and an update every two (2) years." If we want Burroughs to do it again, we don't have to execute another contract."

Mr. Easley said he believes Burroughs was well qualified. but, again, he has to agree with Commissioner Willner. He thinks....."

Commissioner Cox asked, "Well, where did we get the ADT (Average Daily Traffic)? On practically every page they had an ADT on every bridge. They had to get those figures from somewhere and I am certain they didn't post a person out there to do a traffic count."

Mr. Easley said he believes he obtained that information and supplied it to them; it was on the sheets

Commissioner Willner said he doesn't have any big problems about it. If the other Commissioners are comfortable with Burroughs, that's fine with him. The engineer we did hire quit on them in mid-term and they had to come back with another engineer and re-do some of his work and it was just a messed up deal. But if the other two Commissioners feel comfortable about it, he doesn't have any problems.

Commissioner Cox asked that with regard to the contract with Burroughs, did we sign for the major overall inspection and a re-inspection within two years?

Mr. Easley said he believes it is an "if authorized" clause. If we request it, they will do the work.

Commissioner Willner said he believes this is correct.

Commissioner Borries queried Mr. Easley re the fee?

Mr. Easley said it was \$12,000 for Stage I and \$8,000 for Stage II, or a total of \$20,000.

Commissioner Cox asked, "Andy, could the Assistant Bridge Engineer do this?"

Mr. Easley responded, "It is too time consuming."

Commissioner Willner said, "Four years before that we had it done in house. I thought they did a fairly nice job. But it just takes a long, long time. It took almost two years to get the thing done."

Commissioner Borries said, "We don't need a decision today -- and your concerns have been noted. Maybe the Commissioners can consider this at their next meeting or toward the first of March. And, perhaps send out requests for proposals if we're displeased about this."

Mr. Easley said the Commissioners can give the matter some thought. He believes Calvin Evans mentioned that we needed to select somebody by

Mrs. Cox interjected, "I believe it said by April 15th."

RE: COUNTY ATTORNEY - CURT JOHN

Commissioner Borries asked whether County Attorney Curt John has anything to report today?

Mr. John said he would like to discuss Item #8 on the agenda with the Board. This is a matter of a Promissory note, accompanied by a conditional release from Ricky Stephenson of Vanderburgh County. He apparently had an automobile accident and caused some damage to county property. He is licensed and promises to pay for damages he caused via a promissory note. He believes Mrs. Meeks is keeping a list of those payments, which he believes are set up on a \$75.00 per month schedule. If for some reason there is a failure on his part to make good his promissory note, the county has the right to notify the Bureau of his failure to do so and withdraw that conditional release. The first check is for \$50.00. We are to receive another \$25.00 prior to the end of the month. This is his first payment. In response to query as to total amount of damages, Mr. John said it was for \$2,245.84. The reason the amount is set at that rate is that he is a student and is working part time and he can't afford a higher amount. He has also informed Attorney John that he is unable to obtain financing elsewhere.

Motion was made by Commissioner Willner that the check be accepted, endorsed, and deposited in the insurance account, with a second from Commissioner Cox. So ordered. (It was noted by Mr. Lindenschmidt that the account the money came out of was Insurance Reserve, Self-Insurance Fund.)

Claim: Mrs. Cox offered to pass along a Notice of Claim against the County by Charles Crafton. Attorney John advised he already has a copy of subject claim.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period February 2 thru February 6, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Emge Rd., Buente Rd., and Oak Grove Rd.

Patch Crew: Weinbach, River Rd., Lynn, Harmony Way, Boonville-New Harmony, St. Joe Ave., Broadway, Selzer Rd., Plainview Rd. and West Franklin

Tree Crew: Hillsdale, Waterworks Rd., and Emge Rd.

Trash Crew: Hirsch and Burkhardt Rds.

Graded & Rocked: Moffett Lane, Ruston Lane, Wright Rd., Hornby, Young, Heerdink, Magnolia (Old Boonville Highway Turnaround), Fitzgerald, Mimosa, Staub's Lane, Hilltop, Armstrong, Wallenmeyer, Maasberger and Day's Rd.

Washed and serviced trucks used in snow removal.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Cleaned culverts on Heppler Rd. and Mesker Park Rd. and installed guard rail retaining wall.
- Repaired washouts at culverts.
- Cut and sawed asphalt on Steckler Rd. and Old State Rd., filled holes and repaired head wall.
- Repaired guard rail at Highway 57 and Highway 41
- Worked in yard
- Prepared Campbell Rd. for installation of pipe

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for both the employees at the County - Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions.

Commissioner Willner asked whether Mr. Bethel got called out in the windstorm on Sunday?

Mr. Bethel responded that they got called out a few times.

Pollack Avenue: Commissioner Cox said her notes reflect that Mr. Bethel was going to check out Pollack Avenue.

Mr. Bethel said he did check this. They are going to cut the shoulders along there. As soon as they can they will buy the guard rail; and then they will put one coating of asphalt on the road surface to level the roadway properly. They will pull the shoulders on both sides and that will help tremendously.

Commissioner Cox asked if the guard rail will have to be taken down?

Mr. Bethel said, "No; we'll just put a crew out with them and as they cut the shoulders, they will just shovel around the guardrail. They will get on this project as soon as the weather permits."

Commissioner Willner said we have a good day and then a bunch of bad ones.

RE: COUNTY ENGINEER - ANDY EASLEY

Boonville-New Harmony Bridge: Mr. Easley said he has two items today concerning bridges. Last week he told the Commissioners about the new clear roadway width. He heard from Stephen Dilk and he said that counties are exempt; the statement says on there that they are specifically excluded -- which means we are exempt. Thus, this will not affect the bridge on the Boonville-New Harmony Rd. over Barr's Creek.

There is some additional surveying that the Surveyor's Office is going to do for us. Bill Jeffers said they might do that tomorrow or Wednesday. Dan Hartman has said it will take him about another two weeks to put that on the plans -- and then the plans will be finished.

Commissioner Borries asked if these need to be approved by the State Highway Department?

Mr. Easley said they will be presented to the Commissioners for their approval and then he will forward them immediately to the State Highway Department.

Claim/Green River Rd. Bridge: Mr. Easley presented a claim to Hanson Testing & Engineering in the amount of \$1,944.00 for soil investigations re the Green River Rd. Bridge. They made 324 l.f. of soil borings at \$6.00 per ft. It is his recommendation that the claim be paid.

Commissioner Cox asked from what fund will this be paid? We have no funds for Green River Rd. Bridge.

Mr. Easley said we do not have a budget for Green River Rd. Bridge. Suzie suggested we split it in maintenance and repairs. They can do some memorandum bookkeeping to know where are expenses are. Or, we can transfer some monies and set up a special account. With the Commissioners' permission, he would like to write a letter requesting that an account be set up for Green River Rd. Bridge.

Commissioner Cox said she brought this up at budget hearings in July. Does Mr. Easley mean to take this out of bridge maintenance account? How much money do we have in that account? .

Mr. Easley said Suzie said she has an adequate amount in the account to cover this.

The Chair entertained a motion.

Motion was made by Commissioner Willner that the claim be approved, with payment of same to come out of Cumulative Bridge Fund, Account 352, with a second from Commissioner Cox. So ordered.

Kansas Road Bridge: Mr. Easley reported that he talked to Wayne Fehd and he said he wanted to talk to Attorney Johnson, to have him review the status of their request. He could not give Mr. Easley a quick answer. Perhaps he'll hear from him in a week or so. Therefore, he guesses we'll just keep the matter of the cul-de-sac under advisement.

Pollack Avenue: It was also noted by Mr. Easley that he has not yet had an opportunity to get out to check the subsidance on Pollack Avenue mentioned by Commissioner Borries last week. He will, however, be doing this.

Mill Rd. Bridge: Commissioner Willner asked Mr. Jeffers if the County abandoned the bridge on Mill Rd.? We did some updating on it so that we could return it to the owner. Did we ever do that?

Mr. Jeffers said this is Bridge #41 out where the new Mill Rd. Bridge comes into Highway 66. They have legal descriptions and everything written. Attorney Paul Wallace of Bowers, Harrison, Kent & Miller was working on that for us. He sent documents over to be signed by the property owners. One document was an erroneous draft that somehow got in the wrong envelope. He had the correct copy in his office describing the affected properties and the property owners. That information is still in their computer. This will have to be taken to the property owners so they can sign the agreement. This will turn everything from the east abutment of the bridge out the roadway -- the bridge and everything -- over to the owners -- and give them mutual access.

Commissioner Willner requested that Mr. Jeffers work on this and see where we are. If we don't get rid of it pretty soon, it will need repair again.

Mr. Jeffers said it is in real good shape right now.

Mr. Willner said we need to conclude this matter.

Green River Rd./Orchard Rd.: Commissioner Cox said she clipped a Notice of Projects from the legals in the newspaper. (Maybe she missed this -- and we do not have our minutes from last week -- but in the Notice of Projects -- and she guesses that Rose Zigenfus of EUTS is the one who prepared the notice on Green River Rd. from Morgan Avenue to Heckel Rd. Did the Board also authorize her to do invitational bids for the Orchard Rd. Bridge? She doesn't recall doing that.)

Mr. Easley said he thought there was a discussion and that was included.

Mrs. Cox said she thought only Green River Rd. and the concept of having a private engineering firm do this -- she didn't know Orchard Rd. Bridge was in here. "If we're going to do three or four bridges this year (we're talking about Rollet's Lane, Boonville-New Harmony, Orchard Rd.) -- I recall several years ago when we had companion bids that went out -- all three at the same time to companies. Then if they got all of them, they gave us a discount and we really got some good responses."

Commissioner Borries asked if the Orchard Rd. Bridge isn't Bridge No. 1, the big wooden railroad bridge?

Mrs. Cox said that is correct.

Mr. Easley commented that it is a wooden deck with steel girders.

Commissioner Willner asked, "Don't you recall that we talked about both of the bridges? And one of them being done (Boonville-New Harmony) and we were going to let the engineering out on the other one?"

Mrs. Cox said, "I have a note here that Mr. Hartman was to come last week and give us a report on the bridges. Mr. Hartman didn't come; and we did get an update. I didn't know we did anything on the Orchard Rd. Bridge. I'm sorry, I guess I missed it. I guess the minutes will reflect what was adequate. But I do know we talked about Green River Rd. and the bridge on Green River Rd. and Rose said she would get everything together up in her office. That is the last I heard -- and then the bid was to be prepared and submitted to EUTS. The notice says the proposals are to go to EUTS, rather than the Auditor or the Commissioners."

Mr. Easley said the discussion was held January 26th when he was in Indianapolis, but he was told about it.

Commissioner Willner said the plans on Green River Rd. were in the City's Engineering Department and we did have some problems. Rose was to get them and take them to EUTS.

Commissioner Cox said "But this is Orchard Rd., and I don't remember giving authority for proposals on Orchard Rd., but I could be wrong."

Commissioner Willner said she can check the minutes.

The Chair entertained further questions of Mr. Easley. There were none.

RE: REQUEST FOR LEAVE OF ABSENCE - TREASURER'S OFFICE

The meeting continued with President Borries reading the following letter from Pat Tuley, County Treasurer:

February 5, 1987

To: County Commissioners

Re: Leave of Absence

From: Patrick Tuley

I would like to request that Faith Hart be placed on a two week medical leave of absence beginning February 2, 1987.

However, she is to see the doctor after the two week period and may require additional leave. I would recommend that her medical insurance continue to be carried.

Thank you,

Patrick Tuley

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

RE: HOLIDAY CLOSING - COUNTY OFFICES

President Borries announced that all County Offices will be closed on Monday, February 16, 1987, in observance of Presidents' Day. This means the next regularly scheduled Commissioners' Meeting will be held on Tuesday, February 17th. This will be an evening meeting at 7:30 p.m. to hear rezonings.

RE: OLD BUSINESS

The Chair entertained matters of Old Business.

Commissioner Cox said she wants information on Orchard Rd. Bridge.

Commissioner Borries asked Mr. Easley if there is any update on Rollet's Lane?

Mr. Easley said it is his understanding that the purchasing of the four culverts should be done through the Purchasing Department. They are in the process now of preparing specs. He and Attorney Miller have not yet finished their discussion as to how they are going to make arrangements with the contractor to perform the work.

With regard to the runaround, Mr. Easley advised Commissioner Cox that he talked with Mr. Lutz. He said the neighbor was a little apprehensive about letting us use their lane. It is only for a ten (10) day period and he is wondering if our Legal Counsel could work up some kind of Hold Harmless Agreement that if it is a temporary runaround -- we're talking about using a man's private lane as a temporary road for a 10 to 14 day period -- the road is narrow and perhaps if we get a goodly number of barricades with flashing lights there so when the residents travel at night they can stay on the lane -- and he offered to tailgate some fresh stone on it to upgrade it so it wasn't a muddy mess -- Mr. Lutz said he had no problems with our running across his lawn (we could put some filter fabric down -- and we could almost sweep the fabric and roll up the carpet when we were done -- and maybe it wouldn't rut it too much). But it would be a temporary runaround on private property. Do you think we could assure them that if two cars have a fender-bender -- he is not sure what the county's liability is -- we wouldn't want the property owner to suffer. But this would save us a fair amount of money if we can find some way to accomplish this.

Attorney John asked, "You want the county to indemnify and hold harmless the property owner?"

Mr. Easley responded, "Whatever the Commissioners want to call it."

Commissioner Willner said, "Yes. Let's do that."

Mr. Easley said he would be glad to sit down with Attorney John and give him the names, etc. But if we're going to do this, he will go talk to him and he believes we can negotiate this.

RE: APPOINTMENTS

President Borries announced that there are no appointments to be made today.

RE: SCHEDULED MEETINGS

Tues.	Feb. 10	4:15 p.m.	Auditorium Advisory Board Mtg.
Tues.	Feb. 10		Soil Conservation Service/ Annual Banquet/4-H Center
Wed.	Feb. 18	5:00 p.m.	Southwest District Indiana Assn. of Counties Mtg. (VFW in Petersburg, IN)

Meeting on "B" Street Underpass: Mr. Easley said he sent a copy of memo to the Commissioners that said Hayes, Seay, Mattern & Mattern are sending two engineers over tomorrow. They are going to do some field reconnaissance and they have a meeting with CSX (Seaboard) and SIGECO is also going to be present. Do the Commissioners have any questions they want Mr. Easley to ask them? They are supposed to have their preliminary plans out in 90 days and are going to be moving rather quickly.

President Borries entertained questions from the Board. There were none.

Mr. Easley said that if the Commissioners think of anything between now and noon tomorrow, to let him know.

RE: CLAIMS

Commissioner Borries presented a claim to EUTS in the amount of \$4,250.00 for county's share of cost of EUTS. As agreed, this is one-fourth the amount shown in the budget.

Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: EMPLOYMENT CHANGES

Burdette Park (Appointments)

Perry Gostley	Rink Cashier	\$5.00/Hr.	Eff: 2/4/87
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Burdette Park (Releases)

Perry Gostley	Rink Cashier	\$4.35/Hr.	Eff: 2/4/87
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County Election Board (Appointments)

Sandie Deig	Supervisor	\$6.00/Hr.	Eff: 2/2/87
Carol Jean Primm	Dep. Clerk	\$5.70/Hr.	Eff: 2/4/87
R. Warren Thompson	Bal. Assem.	\$5.70/Hr.	Eff: 2/2/87

Clerk of Superior & Circuit Courts (Appointments)

Norma Jean Dickens	Dep. Clk.	\$514.94/Pay	Eff: 2/2/87
Mary Ellen Coker	Dep. Clk.	\$514.94/Pay	Eff: 2/2/87
Michele Knapp	Bond & Fine	\$257.47/Pay	Eff: 2/2/87

Clerk of Superior & Circuit Court (Releases)

Norma Jean Dickens	Dep. Clk.	\$257.47/Pay	Eff: 2/2/87
Mary Ellen Coker	Dep. Clk.	\$514.94/Pay	Eff: 2/2/87
Traci Layne Duckworth	Dep. Clk.	\$514.94/Pay	Eff: 2/2/87

Co-Op Extension Service Appointments)

Debra E. Bivins	Part-Time	\$28.00/Day	Eff: 1/20/87
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Circuit Court (Appointments)

Jerry F. Steckler J.P.O. \$14,000/Yr. Eff: 1/26/87

Circuit Court (Releases)

Estella Moss J.P.O. \$14,000/YR. Eff: 1/23/87
Jeffrey Shoulders P.T. Intern \$5.00/Hr. Eff: 1/9/87

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:15 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

R. J. Borries
R. L. Willner
Shirley Jean Cox

Sam Humphrey

Curt John

COUNTY HIGHWAY

COUNTY ENGINEER

COUNTY SURVEYOR

Bill Bethel

Andy Easley

Bill Jeffers,
Chief Deputy

BUILDING COMMISSION

AREA PLAN

Gene Meyer, Asst.

B Cunningham
B. Behme

OTHER

Robert Jarrett
James Q. Morley
News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 17, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Tuesday, February 17, 1987, in Council Chambers with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently introduced himself and Commissioners Willner and Cox to the crowd of some 200 persons who had gathered. President Borries expressed appreciation to the individuals for their attendance and announced that the Commissioners will proceed with the meeting agenda as published with one exception; the Board of Finance Meeting will be held last.

The Chair entertained a motion concerning approval of the minutes of meetings held on February 2 and February 9, 1987.

Motion to approve both sets of minutes was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: OPENING OF PROPOSALS FOR ENGINEERING SERVICES

President Borries entertained a motion to authorize the County Attorney to open proposals received for engineering services on Green River Rd. from Morgan Avenue to Heckel Rd. and for the construction of Orchard Rd. Bridge, and to hold said proposals until after the rezoning petitions are heard.

Motion to authorize the County Attorney to open subject proposals was made by Commissioner Willner.

Commissioner Cox provided a second, with the stipulation that the County Attorney review the minutes for proper authority to advertise for the Orchard Rd. Bridge project. So ordered.

RE: REZONING PETITIONS

The meeting proceeded with Commissioner Borries explaining that the procedures on rezonings are as follows. They are first formally introduced at the Vanderburgh County Commissioners meeting. Subject to approval, they are then referred to the Area Plan Commission for a second reading. Subject to whatever action is taken (and in some cases, no action) by the Area Plan Commission, they are then referred back to the County Commissioners for the third or final reading. It is the procedure to consider the first readings first and he will proceed thusly at this time.

VC-1-87/Petitioner: Thomas R. Bernhardt: Common known address of subject property is 5901 Oak Grove Road and requested change in zoning is from Agricultural to M-2. The land is currently vacant and proposed use is a woodworking and Formica assembly shop. Property is located on the south side of Oak Grove Rd. near the intersection of Oak Grove Rd. and Burkhardt Rd. The Chair entertained comments. There were none.

Commissioner Borries then asked if there were anyone in the audience who wished to speak regarding VC-1-87? There was no response.

Motion was made by Commissioner Willner that VC-1-87 be approved on first reading and forwarded to the Area Plan Commission with a second from Commissioner Cox. So ordered.

VC-2-87/Petitioner: James K. Johnston: Common known address is 4500 Spring Valley Rd. and requested change in zoning is from C-4 to C-2. The land is presently undeveloped and proposed use is to build apartments. Apartments are not permitted in a C-4 zone under the current zoning ordinance. The premises affected and the general location is on Spring Valley Rd. in an area directly west of Green River Rd. The Chair asked if there were anyone in the audience who wished to speak regarding VC-2-87? There was no response.

Commissioner Cox said she would just point out for consideration that this is in the area where we have some problems with our sanitary sewage load at this time. Seeing that they are requesting change from C-4 to C-2 for apartments and not seeing how big a complex they plan, she thinks the Board needs to forward to Area Plan their concerns regarding the sanitary sewage system in the area, which is not working adequately at this time.

Motion was made by Commissioner Willner that VC-2-87 be approved on first reading and forwarded to the Area Plan Commission, along with Commissioner Cox's comments, with a second from Commissioner Cox. So ordered.

VC-3-87/Petitioner, Harvey Klenck: Common known address of subject property is 10501 Highway 57. Petitioner is requesting a change in zoning from Agricultural to C-4. The property is currently vacant and proposed use is for office, warehouse and storage. The location affected here in on the east side of Highway 57, north of Hedden Rd. The Chair entertained comments from the Commissioners. There were none.

The Chair then asked if there were anyone present who wished to speak regarding VC-3-87? There was no response.

Motion was made by Commissioner Willner that VC-3-87 be approved on first reading and forwarded to Area Plan Commission, with a second from Commissioner Cox. So ordered.

President Borries said that the foregoing petitions should in all probability be considered at the next Area Plan Commission meeting, which will be held on the first Wednesday evening of the month (March 4th) at 6:00 p.m.

VC-20-87/Petitioner: Randy McClaskey: Common known address of subject property is 4601 S. Kentucky Avenue. The Chair asked three (3) times if there were anyone in the audience who wished to speak concerning this rezoning. There was no response.

Commissioner Cox asked whether Area Plan has had indication that this petition will not be heard this evening?

Mrs. Barbara Cunningham advised that she spoke to Attorney Barnett today and he was to contact Mr. McClaskey, as he did not feel that he personally would be here this evening. She suggested that since there is no representative present at this time, perhaps the Commissioners could move the hearing of this petition to the end of the rezoning agenda in case there is a reason the petitioner has not yet arrived.. It needs to be considered tonight because the 90 day time period will be up March 4th.

Motion was made by Commissioner Willner that VC-20-87 be moved to the end of the rezoning agenda, with a second from Commissioner Cox. So ordered.

President Borries announced that, as published on the agenda, there are two third readings which will not be heard this evening; a continuance has been requested: VC-27-86/Petitioner, Edward Will et al and VC-33-86/Petitioner, Charles Greif. These have been continued to the March meeting.

VC-24-86/Petitioner, Donald J. Folz: Common known address of subject property is 4005 N. Green River Rd. Petitioner is requesting change in zoning from Agricultural to C-4. Land is currently undeveloped. Proposed use is auction house and flea market. The subject property is surrounded by agricultural and single family dwellings. The Chair recognized Attorney Steve Bohleber, who stated he represents Mr. Folz. He said he very briefly wants to address the Board concerning this particular petition.

His client's family has lived on the subject property for practically a century. He wishes to rezone the area surrounding his home to accommodate his existing auction business, which is presently located in Chandler, Indiana. Attorney Bohleber said that to the extent that he and his client will repeat themselves here this evening, he does apologize. However, they do want to make some very valuable and valid points.

First of all, the nature of the business that Mr. Folz hopes to locate surrounding his home is an auction house -- for want of a better term. It is very similar to others in this area where items are accumulated often from individuals and auctioned off one evening a week. Mr. Folz presently plans to conduct the auction on Thursday night, and it will be conducted in the same fashion as others in the area. That is not the sum total of Mr. Folz's business, obviously. He is an auctioneer in the traditional sense, going out to the location where items are found to be auctioned off, as well. He only plans to use this particular location around his home as far as auctions are concerned for the purpose of holding his weekly auction.

Based upon his present operation, he anticipates the auction will generate approximately 50 automobiles per week, plus or minus. He is wanting to relocate this from Chandler because it is more economical and certainly more convenient for him. His proposal to modify the property is not that drastic. There is an existing 30 ft. x 48 ft. building, and he wishes to construct almost an identical 30 ft. x 50 ft. building by the southeast corner of the property to conduct the auctions. Parking will be accommodated to the south of the building and also to the west, because the family does own 113 acres in this immediate area.

To help familiarize the Commissioners with the area, itself, he has a couple of exhibits. Commissioner Willner has already seen this. He passed around an exhibit of several photographs of the area, the site plan and a brief schematic showing other development up and down Green River Rd. The area on North Green River Rd., as he characterizes it (and this is his characterization alone) is a transitional part of the county and the city to the south of it. You will find mixed agricultural, residential, commercial, and even an industrial pattern that is discernible along the area. To better give the Board an idea of what is there they can certainly peruse the exhibit. They will find that as you go to the north, you will see there is an existing C-4 (Animal Hospital, which has been there a number of years). This is due north on the same side of the road. If you go due east along what is called by the area residents "Tennis Court Lane", you will find at the end of that a rectangular shaped area that is also C-4, which at one time housed the Fairfield Tennis Club and now the property is primarily used as a house of worship. As you travel south along Green River, you can get a better picture of what we have. There are various churches, the Evansville Day School, commercial wholesaler, The Timbers and Sugar Mill Creek apartments, auto specialists, Eastwood Plaza, Nikris Plaza, Ziemer's Water Softening Company, Fantastic Sam's. The Meeting Place, Quick Liquor, J&B's Pet Salon, Jiffy Print, etc., etc. This goes on and on until you travel approximately 1.4 miles south to the intersection of Green River Rd. and Morgan Avenue. More particularly, the schematic of the diagram he has prepared (and it is not exactly to scale) does show what is going on in the county immediately around Mr. Folz's

area which he thinks is of some significance when considering this rezoning request. If you go 2,200 ft. immediately south of the subject property, you will find there is a 44 acre tract zoned C-4 that is undeveloped. Immediately south of that is another tract of land with about 1,400 ft. of Green River Rd. frontage (Green Oaks Shopping Center) which is also C-4. Immediately south of that we have Sugar Mill Creek Apartments and then south of that all the way to the city boundary we have industrial zoning (although basically undeveloped at this point).

On the opposite side of the street across from the subject property you will find several residences (the neighbors of Mr. Folz.) To the south of that is Evansville Day School and south of that are several businesses that are in R-O and C-4 zoning and the Timbers Apartments (which although a multi-family unit it is nonetheless a C-4 zoning). They do not feel that the area is being initially intruded upon in any way by any C-4 zoning. There is ample other commercial zoning in the area and they feel that for those reasons it is certainly consistent to rezone Mr. Folz's property.

Attorney Bohleber said he will also point out that there was a rezoning at 5901 Hirsch Rd. to a C-4 from Agricultural approved by the Commission in December.

Traffic is certainly a concern anytime there is any kind of commercial activity that is an otherwise uncommercial area. He would ask the Commissioners to take a look at the Urban Transportation Study Report. It shows an ADT (Average Daily Traffic) traffic flow of 8,295 cars along that section of Green River Rd. The report has recommendations that are twofold concerning traffic problems that may be occasioned by this particular situation. First of all, they initially indicated that there should be a 24 ft. driveway. Upon talking with them, they said that perhaps 30 ft. would be better. Thus, his client has submitted on an amended site plan a 30 ft. roadway, which is acceptable to the EUTS folks.

More importantly, they also say at the end of the study that the proposed development will have no adverse effect upon the traffic flow. He thinks that is very important. He again said he is talking about the 50 plus or minus vehicles per week, not a very large number in consideration of what is already traveling there. To additionally ease any problems the Commission may have about traffic created by this location, it was suggested at the APC meeting (and readily agreed to by his client) that a deceleration lane would ultimately be installed to accommodate the northbound traffic that would be turning right onto the subject property. Commissioner Willner graciously indicated that he thought that would be appropriate once Green River Rd. is widened as opposed to now and then perhaps doing it again when it is widened. His client willingly agrees to that if it will ease the Commissioners' minds concerning traffic problems.

Attorney Bohleber said he also wants to point out one other thing to the Commissioners. As he said the Folzes own 113 acres around the subject property. The roadway that leads back to the church and ultimately to some residences (some of which are constructed and some which are not) on Tennis Court Lane is adjacent to the Folz property. If the Commission would so desire, an entrance could be further removed from the property and come in Tennis Court Lane and back in the back door of this property. His client is willing to do that if the Commissioners have concerns about the traffic. He is willing to accommodate in any way he can, although he feels his business will not adversely increase the traffic pattern or traffic flow along that way.

Another concern anyone might have when there is a change in the area is, "What will the neighbors think?" To their knowledge, not a single neighbor objects to this use. No one appeared at

the first meeting of the APC to remonstrate, no one appeared at the second meeting to remonstrate and his client and his daughter Angela indicate to him that they have canvassed the neighborhood and have found nothing but positive comments from the neighbors. In fact, several of them offered to come down here this evening to speak in favor of Mr. Folz and his operation. He thinks this speaks well for him and for their opinion of him and what he is going to do in that neighborhood and how it might affect their neighborhood. Again, he told them not to come down tonight because of the weather. But they perceive no opposition from the neighborhood whatsoever. None has been discovered and, again, everyone has been talked to about this.

In summary, Attorney Bohleber said this is a different rezoning than many because of the petitioner himself. He is an old timer in the neighborhood; his family is an old timer (as stated, they still own 113 acres there). He's not doing this to speculate. He is not going to be an absent landlord who will allow the area to be trashed up. This is adjacent to his home. In looking at the photographs, it can be seen that this is a neat operation. Everything that he is going to do is going to be under roof -- no outside storage, even though that is permitted in this zoning classification. The only time anything is going to be outside is if it is on a very, very rare occasion something may be there a couple of days that is simply too large to get inside (such as a piece of farm equipment). But, he has no intention of storing anything outside while the weekly auction is approaching. This is not an isolated change. He thinks he has indicated this to the Board. This is not something that is unusual or unknown to this area. It is not going to adversely affect traffic according to the Transportation Study. And he guesses that common sense would tell the Commissioners that 50 cars is certainly going to make a minimal impact on the traffic along Green River Rd. at that point. There is no neighborhood opposition. Further, they think it is consistent with the overall purposes of zoning. He is certain members of the Commission are well aware of the purposes spelled out by the zoning ordinance itself. It is really important in Don Folz's situation; as he said, he is a little different.

Section 153.002 says, "The purpose of this chapter is to promote the public health, safety and general welfare of the county, to enhance the use and enjoyment of property, to provide for the regulation of land use in the community while preserving the right of the property owner to use and enjoy his property." And that is the important balancing test that this body always has to decide. How do you balance public good against private good? Well, they don't think there is any adverse impact upon the public by doing this and they think it is even more important to take a second look at the last section of that purpose: "Preserve the right of the property owner to use and enjoy his property." He thinks that, after a century, Don Folz has the right to use and enjoy his property - as long as it is not inconsistent with the purpose of this zoning ordinance and this body. After careful reflection, Attorney Bohleber said he thinks the Board will determine that after that length of time he should be allowed to use his property for this innocuous enough use. Mr. Folz and his daughter are here this evening to answer any questions the Board might have. In concluding, Attorney Bohleber said he hopes the Commission will favorably consider this petition.

President Borries expressed appreciation to Attorney Bohleber for his presentation and then entertained questions.

Commissioner Cox said, "Mr. Bohleber, I see on the petition that this has been amended from the previous presentation and there is a notation on the staff field report. What she needs to know, "Has the adjacent property owner been notified?" Mr. Bohleber responded in the affirmative and said it was filed with the County Auditor. That was taken back to the APC, because when Mr.

Folz came to see him they determined that they hadn't quite chopped off enough of the piece of the pie to extend all the way out to Green River Rd., and they thought that was necessary to allow him to ultimately place a sign there. They had to file an amended site plan and it had to go back to the APC.

Mrs. Cox said "You spoke of an auction house only."

Mr. Bohleber said the flea market concept was something in the original petition and his client has advised him that this is something that is inconsequential and not in their immediate plans. What they primarily intend to do there - what they intend to exclusively do there -- is to conduct a one-time-a-week auction.

Commissioner Cox asked, "But if the zoning were granted, they could in essence have a flea market?"

Mr. Bohleber said, "That is correct; they could do all sorts of things there."

Mrs. Cox said, "Which would certainly increase the traffic and the number of parking spaces needed....."

Mr. Bohleber said, "Without question."

Mrs. Cox said "Also, utilization outside the storage building."

Attorney Bohleber said, "Exactly; that is a minor part of what they do now and Angie has indicated to him they are comfortable to do without. The one-time-a-week auction is the primary function that they intend to utilize the property for."

Commissioner Borries asked if there will be any outside signs of any sort that would be used to advertise the time, date, etc.?

Mr. Bohleber said one reason the site plan was amended was to allow Mr. Folz to put something somewhat closer to Green River Rd. than the original site plan indicated. They could put a sign there. Obviously, whatever sign is placed there is going to have to meet the scrutiny of the APC and Mr. Folz is certainly going to comply with that.

Mr. Folz offered several comments concerning sign, but they were inaudible because he was speaking from his seat -- and did not approach the microphone. He did say, "I would say at this time that it would be a portable sign -- nothing stationary. As far as the flea market is concerned, at this particular point in the ballgame there would not be enough room for parking and to exhibit a flea market type operation. Mother has 33 acres; that is not to say that later he won't come to the Commissioners and ask to do this; more so if Lynch Rd. goes through and other things happen in that area."

Attorney Bohleber interjected, "But that would be on additional property that the Folz family owns. Right now Mr. Folz is going to do the one-time-a week auction and that is it."

Commissioner Borries said, "Of course, we are very concerned about Green River Rd. too, and the expense of the widening plans - and that is part of our agenda tonight. I read where that particular area has a traffic count of 8,295 vehicles per day and that has been a major concern, because Mr. Folz's event would happen all at once. How many cars do you attract now in Warrick County?"

Mr. Folz responded that they have some 40-45 vehicles; however, they also have a smaller area for parking and the area is a lot less accessible to enter. But the 40-45 vehicles would be on a very good night.

Commissioner Borries asked, "Would you expect your business to increase, however, because of that particular location?"

Mr. Folz said "I'm hoping to. That is why I want to come down here. I want to make this a good place and have a nice auction barn. In that community out there the people have graciously stood behind me and I want to make it nice and attractive so it will bring a crowd. Otherwise, there wouldn't be any point in my coming to Green River Rd."

Mrs. Cox said, "We are planning the widening of Green River Rd. and has Mr. Folz adhered to the setback lines in this site development?"

Mr. Bohleber responded in the affirmative.

Mrs. Cox said she doesn't know how wide the driveway is; she doesn't see any feet.

Mr. Bohleber said the site plan Mrs. Cox should have would read "Second Amended Site Plan". All of that should be on the final addition submitted.

Mrs. Cox addressed Mr. Folz and said, "How close does the proposed Lynch Rd. Extension come to this property?"

Mr. Folz said "I don't know; I can throw a rock to it."

Mrs. Cox said, "I know you played football -- and I don't know whether that will help or not. My point here, Don, I know we also need to protect the thoroughfare for the proposed Lynch Rd. We don't want a barn going up right there where we are going to build....."

Mr. Folz said he would venture to say it would be at least a quarter of a mile to the back side of the building -- or something like that.

The Chair entertained further questions.

There being none, the Chair asked if there is anyone to remonstrate regarding this petition? Anyone wishing to speak regarding this petition? There being no response, the Chair entertained a motion.

Motion was made by Commissioner Willner that VC-24-86 be approved, with a second from Commissioner Cox.

President Borries said it has been moved and seconded that the petition be approved. At this time he will ask for a roll call vote. Commissioner Cox?

Commissioner Cox said she would like to make a comment prior to casting her vote. "We're talking about a developing area that is true. Just how it is going to develop is up to many of us up here in the front part of this room tonight. In the future the Lynch Rd. impact and the widening of Green River Rd. I do have reservations about the uncertainty of what is going to happen with a C-4 development in this area with no site plan that would maybe put some trees.....where outside storage is allowed. I am very familiar with flea markets and auction houses and they are very popular and they draw a lot of attention. I really have concerns. We have an amended second site plan which I really haven't had a proper chance to work through this in order to vote for this. Thus, I vote 'No'." Commissioner Willner, no; Commissioner Borries, no. The Chair declared the petition denied.

VC-26-86/Petitioner, Chal Corp.: Common known address of property is 6125 Covert Avenue. Requested change in zoning is from R-1 to P.U.D. (Planned Unit Development). The Chair recognized Attorney Keith Wallace, attorney for the Petitioner.

Attorney Wallace said he is present to represent Chal Corp. His client has petitioned for a Planned Unit Development, a fairly unknown quantity in the City of Evansville and the surrounding county where we see a lot of piecemeal zoning. A Planned Unit Development is defined in the County Ordinance as follows, "A Planned Unit Development recognizes the need to vary specific regulations of the city-county zoning ordinance to provide residential, commercial and industrial areas which match the creative approaches of the building industry with unique land-housing demands. The classification is designed to allow more flexible regulations while preserving purposes of the zoning ordinance."

This Planned Unit Development has obviously caught the attention of several people. It is very similar in nature to the Indian Woods Planned Unit Development passed in 1978 immediately west of this property, which also calls for single family, multiple family, and commercial zoning. This P.U.D. introduced approximately last November also calls for apartment uses, multiple family development, single family development and commercial areas on one piece of the commercial property. Everyone is familiar with the fact that a Special Use Permit has been applied for by Charter Corporation (a separate entity). He believes they applied for Special Use 3 for a children's hospital facility. They are here tonight on the entire Planned Unit Development to contract a rezoning. At this time without going into a lot of explanation, he would like to introduce Mr. Jim Morley of Morley & Associates, the engineer who originally helped develop Indian Woods and who has worked on Indian Woods East development.

Mr. Morley said this project called Indian Woods East -- the Commissioners have already seen the drainage concept at Drainage Board Meeting. It is a continuation of the original Indian Woods concept that is currently under construction immediately to the west. The project is set up with a major collector street through the middle connecting Pollack and Covert with none of the proposed housing, single family apartments or commercial entering off of that. It all enters off the major collector street. Then there are tie-in streets at designated points to inter-connect this with the existing Indian Woods development. Almost all of the drainage from the project is being directed west into the large detention lakes constructed by the City of Evansville several years ago and storm sewers were extended in that area, including the area north on Thompson Avenue, which has served to help out with a lot of the drainage problems that did exist in that area. The rest of the street development is with clusters for community private development. The plan is for a lot of zero setback homes and cluster homes, mixed with regular full-size family lots and, of course, traditional apartment projects. We are seeing a great increase in the number of these lower square footage homes as opposed to apartments, which gives one a chance to get in and start making the climb in home ownership.

The commercial area again enters on the collector street. There is a segment there that is (ten) 10 acres in size. The area for medical development is three (3) acres in size. There was a schedule for development that was presented for this and, as the Commissioners know from Indian Woods immediately to the west, it evolves part of it each year. It is not a mass construction project that takes place all in one year. Even the development of the original Indian Woods has been slowed somewhat as Covert took longer than originally anticipated several years ago. The project is entirely out of the flood zone; it does not drain towards any of the other developed housing. All of the drainage from the project is completely separated from anything that is developed in any direction around it. Most of it goes directly to the detention lakes. Mr. Morley said he would be glad to answer any specific questions.

The Chair entertained questions. There were none.

Mr. Wallace again approached the podium to continue his presentation. He said that as most people present are aware, there isn't a great multitude of uses in the property. We have had very explicit remonstrants appear and explain their point of view and their opinion and they have tried several times to meet those fears, whether it be outside the APC meeting in December, whether attending a meeting in January or one in February. They have offered several compromises, arranging from reducing under the commercial area ; they have offered to limit the use groups to C-2 or below; they have offered to place pines along the northern side of Covert Avenue -- these pines would serve as a barrier, both visually and for purposes of sound, to insure the integrity of the neighborhoods. Those streets do not open up on Covert. They do not believe that this development would in any way impede the use and the ability to enjoy the property. They have also offered to assist them in attempting to vacate from the city the southern ends (inaudible) which would most likely help them to prevent the streets going through which happened to be one of the major concerns explained to him. As the attorney representing the developer, he indicated they cannot guarantee that they can get that, but they would certainly try to assist them in the vacation of those streets.

At this time, what they'd like to do is amend the P.U.D. before the Commissioners. Chal has always been a good neighbor of the community, as well as assisting in building the drainage lake that Mr. Morley said the city built. They would like to amend the petition to remove the 10 acres of commercial property on the east side -- exclude that from the P.U.D. and to amend the commercial usage of the rest of the property to R-4 (multiple family) so that the Special Use Permit on file may be heard and given a chance to pass -- because that Special Use is allowed under the R-4 zoning.

Commissioner Borries asked, "Would you repeat that again?"

Continuing, Mr. Wallace said they want to amend the current P.U.D rezoning petition before the County Commissioners by removing from the petition the 10 acre parcel of commercial property. In essence they would mark this multi-family rather than commercial/medical.

After several minutes, due to the confusion and increasing noise from the audience and in order to permit the Commissioners to go over the matter with Attorney Wallace, Mrs. Cunningham of the APC etc., President Borries declared a recess.

The meeting reconvened at 8:45 p.m., with Commissioner Borries asking that Attorney Wallace state his amended request. He said the opinion of the Area Plan Commission as to whether this is proper and their suggestions is also requested. Additionally, the Board wants to hear from those who want to speak regarding this request.

Attorney Wallace said he will be happy to continue in an effort to clarify any questions. As he said, since this petition has been presented, they have met with the remonstrators a couple of times outside the last Area Plan Commission meeting. Their concerns to them was that they did not like the blanket commercial usage that is allowed in a designated commercial and a P.U.D. They tried to meet those fears by offering several compromises, by limiting it to certain use groups (Use Groups in C-2 or less). They have tried to meet that fear by trying to assist them in vacating the streets, because they have indicated a fear of blanket commercial and a fear that if commercial goes in it will open up their streets -- so they said they would try to assist them in vacating their streets that would, in essence, try to help guarantee that their streets wouldn't be open and they said they would offer to put a row of pines six to eight feet on the northern side of Covert Avenue, with the cooperation

of the county and the homeowners and provide both a visual and sound barrier. He has met with one of the owners of Chal Corp. (who just got back into town last night). He talked to him for the first time today in two weeks and met with Charlie Brown, who is here with him this evening, and they tried to discuss in detail what their fears were, how they could meet those fears and provide further detail as to what they could offer those folks who are concerned about what is going over there. What they came up with was simply at this time was to drop the commercial acreage of approximately ten (10) acres out of the P.U.D. So, it will remain as is and the zoning will not be changed. At a future date, they will come back with specific plans to try to show the neighbors what it is and give them another opportunity to see what it may be and see if it is something they are more comfortable with and can live with.

On the west side of the major artery -- the collector street going north and south through the P.U.D. -- it is currently commercial/medical. And everyone is aware that a Special Use Permit #3 has been filed with the Board of Zoning Appeals for purposes of Charter Medical Corp. What they want to do is simply for that commercial acreage on the west side of the artery to remove the commercial name from it so, in fact, it will not be commercial. They are trying to work with the neighbors and remove that from there so it is no longer considered commercial. The problem that arose a few minutes ago was how you technically do that? He thinks that with Mrs. Cunningham, the Director of the APC, and Curt John, County Attorney, they have attempted to make sure that they get the wording correctly and it would be labeled medical/SU-3, which means that the current Special Use Permit on record can still be heard by the Board of Zoning Appeals. If something happens to that permit and it doesn't go through, it would be R-1, because it would not have succeeded in becoming medical or the P.U.D. Is that clear? Are there any questions he can answer with regard to what they are trying to do here? He said he thought he was clear and it had to be designated R-4, but the matter was clarified in the conference just held; it will not be R-4, it would just be medical/SU-3 so it could be heard by the Board of Zoning Appeals. The reason they are doing this is to allow the permit currently on file to be heard.

There were questions from the audience, but they were inaudible because the individuals were not at the microphone.

The meeting was interrupted by President Borries, who rapped the gavel and said he is not wanting to discourage questions at any time; but for the record (there will be a transcript of the proceedings and some may wish to receive a copy of that) he would like to have names, addresses and questions addressed to the Board. Individuals will have an opportunity to ask Attorney Wallace questions and the Board does want them to speak.

Turning to Mrs. Cunningham, Mr. Borries said that for the benefit of those persons in the audience who might need to be refreshed and apprized of what the Board of Zoning Appeals is and how this process works, could she elaborate a bit on what Mr. Wallace has said here in regards to the amended request? What he is now proposing and what this Board of Commissioners would consider, what the BZA is, and what they would be considering.

Mrs. Cunningham did respond, but her microphone was not on and her comments were inaudible for several minutes. (When her comments became audible, they were as follows.)

....."agricultural, R-4, R-5, R-0, C-1, etc., and P.U.D. Had this land been zoned 'agricultural', then Charter Medical could have applied for a Special Use Permit without being part of the P.U.D. Since it was zoned R-1, it was determined that they might seek to be part of a P.U.D. as part of the zoning. So it would

be specifically, exactly what was going in there. As she said, if this rezoning passes tonight, it will be heard at the Board of Zoning Appeals meeting on Thursday evening."

Commissioner Borries said this is fine; he just wanted Mrs. Cunningham to explain the process so that they would understand...

Mrs. Cunningham interjected, "Perhaps one thing I might say is that a P.U.D. is really more descriptive than a zoning, because a P.U.D. tells you exactly what is going in at that area and for any changes to the site plan of that P.U.D., it would need to come before the Area Plan Commission itself."

President Borries said that at this time he would certainly want anyone who wishes to speak (since there are no further questions of either Mr. Wallace or Mrs. Cunningham from the Board of Commissioners) he would ask that if the individuals will first give their name and address for the record so an orderly meeting can be conducted with respect to everyone. Secondly, if the individuals could be as brief as possible and make an effort not to repeat comments but to explore new opinions or grounds. He asked if there is a spokesperson for people in the audience who wish to speak regarding this request?

The Chair recognized Mr. Gary Reck, who said he represents some seven hundred (700) families on the north side of the Covert Avenue Extension across from the area in question. He has a few comments to make representing this group. First he would like to make sure, if he may, whether he is clear as to the proposed amendment this evening. It is his understanding that Mr. Wallace has stated that the 10 acres east of the P.U.D is no longer under request for commercial zoning, but will remain R-1. Is that correct?

Commissioner Borries informed Mrs. Cunningham that Mr. Reck has asked if the commercial portion of this P.U.D is withdrawn this evening, does that remain R-1?

Mrs. Cunningham responded but, again, her comments were inaudible because she did not use the microphone.

Mr. Reck asked, "The area previously designated commercial/medical is now being requested simply as medical and if that passes on Thursday then the psychiatric hospital could be there?"

Mrs. Cunningham said it is now designated medical/SU3.....and the rest of her comments were inaudible.

President Borries said, "To clarify that further, if that amendment is made and this Board votes, that still does not mean that a hospital can be built on the Commissioners' vote this evening? That has to go to the Board of Zoning Appeals, which meets on Thursday?"

Mrs. Cunningham responded, "That is correct."

Mr. Reck said that if the Commissioners will be patient, he would like to present a few comments that those present tonight standing in opposition of the commercial and medical rezoning for this area have been concerned about for the past three months.

"For the past three months we have been here ready to remonstrate while Chal Corporation has continued this proposal and now they seem to be somewhat at a twelfth or thirteenth hour with a shift in plans. Our opposition to this rezoning has been for several reasons. We are concerned about our residential property values. We are concerned about the quality of life we've invested in in the neighborhoods north of the Covert Avenue Avenue Extension being damaged. We are concerned about the

safety of our families and our children. We strongly believe that the medical/commercial/multiple use rezoning of this area is inconsistent with the initial intentions of the Covert Avenue Extension which was, we believe, to ease the east/west traffic load off streets like Lincoln Avenue, Washington Avenue and Division Street. This rezoning which has been proposed -- even as medical this evening -- is also inconsistent with the Area Plan Commission's 1985 Comprehensive Plan which, for this area, included that the area would be continued as residential (R-1). We feel it is significant that when the Area Plan Commission (which consist of representatives from around the county) heard this original presentation for the P.U.D. back on December 3, 1986, they chose not to act. We understand that the State Statute (36-74-6-08) and the County Zoning Code (which Mr. Wallace quoted earlier (152.059) state that this body (the County Commission) should consider the response of the APC in making your decision. We believe it is entirely possible that the proposed P.U.D. (including the proposed P.U.D. with the amendment) does not meet the standards of the County Zoning Code (153.059). The ordinance states in Section C (and earlier this evening Mr. Wallace was quoting from Section A) that for a P.U.D., non-residential uses must be planned and established primarily to serve the residents of the development. We do not understand how a psychiatric hospital(Mr. Reck was interrupted by applause from the audience).....will serve primarily those residents living in that P.U.D. Because we think that seems inconsistent with the County ordinance, we have a very questioning attitude about the intended uses for this property. We are not opposed to development. We think it should be an R-1 residential development as it has been zoned and as much of that land has been successfully developed thus far. In a moment I'll present to you some 530 names on petitions from the people in this neighborhood who stand in opposition to the rezoning in this area. We ask you to consider those 530 signatures, because those signatures are in opposition to this rezoning proposal. We ask you to consider the number of people present here tonight who were also present here on two other occasions when this item was continued, because these people are opposed to the proposed rezoning. All of you who are opposed to this proposed rezoning, please so signify by saying 'opposed'." (There was a resounding "opposed" response from the audience.) "I think they are opposed. We also know that you have received a number of letters from many of us, stating our concern about the proposed rezoning of this property. We know that you have. It is true that Mr. Brown of Chal Corporation did meet with a few of us once. And it is true that Mr. Wallace talked with a very few of us once as part of Charter Medical's meeting. Mr. Brown last offered to change his request from C-4 to C-2 and this evening we've seen that request change yet into another form. He has also mentioned planting trees along the Covert Avenue Extension. We are in opposition to the medical or commercial rezoning of this area. Planting pine trees does not change our position of being opposed. We believe that tonight an excellent precedence has already taken place, which may give some direction to the Commission as to how they might best respond to Chal Corporation's proposal and now change in proposal. Just forty minutes ago we heard another proposal and we heard the Commission respond through Mrs. Cox that suddenly there were amendments in this proposal. Suddenly these amendments have been presented to her in too brief a time for her to fully consider same. I present to you, Mr. Borries, Mr. Willner and Mrs. Cox, that that has happened a second time this evening. There was a proposal before you; and at the last moment it took a last minute change. All of us here know that we haven't had the time to fully consider what has been presented. We are clearly in opposition to the medical rezoning. We are in opposition clearly to the commercial rezoning. We urge you to vote 'no' on this proposal this evening. If there is further conversation on this topic tonight, although my comments are coming to a close now, I would like to reserve the right to speak further."

President Borries thanked Mr. Reck for his comments and said the Chair will note that the petitions were received from Mr. Reck and names at this point number 530 names (according to their calculations). He then asked if there are others who wish to speak concerning Petition VC-26-86?

The Chair recognized Mr. Ray R. Paulikoff (?) of 7200 Monroe Avenue. He said this is about seven blocks away from where the development is going in. "The thing that the people here are against is this medical or psychiatric commercial development. They are against it. It is up to the Commissioners to bite the bullet and not shift it over to the Area Plan Commission. They do not want commercial development there because if this goes in, then the whole of Covert Avenue to the east will be commercialized. Once you break the major planning, then if commercial goes in one place people use that as an excuse to ask for commercial in another place. That is the whole reason all of these people have shown up here tonight. They haven't shown up to argue about the small details or flim-flam words or anything like that. What they came here to say was that we don't want a psychiatric institute or commercial venture or medical facility in that area, because we are looking at the whole picture. We are seeing what will happen if that goes in. It will open up the whole area to commercialism -- the whole strip along the south side of the Covert area all the way up -- and we don't want that. It has happened on Washington Avenue. It has happened on Lincoln Avenue. It has happened everywhere in this town and what is the point in having zoning to protect fine family residences if the people who are in charge of the zoning don't pay attention to what is going on. What is going on is that these people are here because they don't want this psychiatric situation and they don't want you to approve what is before you for it to go before the APC so they have to come down here again to try to say the same thing. But then, you have given your tacet approval. You haven't turned it down; as far as you're concerned you've approved it. We want action. We don't want this psychiatric institute or clinic or hospital or any commercial zoning in our residential area. It is up to you to face the issue."

The Chair then recognized City Councilman Jim Price. He said he resides at 1419 Green Meadow Road in a neighborhood that is just adjacent to a portion of Covert Avenue. "Tonight I am here as a neighbor and I also might add that I represent the majority of the people in the Council Chambers on the City Council. If I may, I'd like to wear both of those hats for just a couple of minutes. I appeared before the Area Plan Commission approximately two months ago in the neighborhood's behalf expressing my concern of the lack of a long range plan for the new Covert Avenue. Covert Avenue became a dream twenty years ago. Since that time we have seen it develop. As Mr. Reck pointed out a few minutes ago, even twenty years later the Comprehensive Plan still says 'residential'. I think tonight it has been demonstrated how sorely we need this plan. I suggested that the Mayor, the Area Plan Commission, the County Commissioners and even the City Council --(because once this area is annexed it will be our responsibility to do what you are having to do tonight)-- sit down and try to come up with a long range plan that would allow the community to benefit, allow the neighbors to live with the plan and certainly allow the developer to make a decent return on their investment. That was two months ago; and as far as I know nothing has been done to get that plan going. I think you will agree with me that the County Zoning Code and the City Zoning Code is, to say the least, complicated. As Mr. Reck pointed out, it took a five or ten minute session for you Commissioners to get a hand on what is taking place. So you can imagine the feeling that the taxpayers have. Being somewhat familiar with the zoning code, the first thing that comes to my mind is (if this the option presented) what happens to the C-4 petition that you just extended to next month? These people will have to come back next month to make sure that that C-4 zoning does not go through, because my agenda says it is continued.

Another thing that comes to my mind is that if this P.U.D. is gutted to this degree, how will they ever get back to getting the commercial back in there? Unless Mrs. Cunningham can tell me differently, I think the neighbors are going to have to watch for every change and watch every time. This is not going to just remain outside the P.U.D. If it is, then someone at some time will have the right to come back and ask for a rezoning on that portion. Is that correct?"

Mrs. Cunningham replied, "If that is exempt it is R-1 property; and any R-2 use (which is single family residence) can be put in there. To have any change other than single family residence would require a public hearing and it would come before the APC and before the County Commissioners and those people adjacent to that property would be properly notified."

Mr. Price asked, "So if the plan is approved as amended, there are then several changes in the P.U.D. that will be made during the next two to five to ten years in order for this to be developed? This P.U.D. would not be approved and the Commission say to the petitioners, 'This is a P.U.D. and you cannot change it.' You would not be saying that would you?"

Mrs. Cunningham responded, "That is what they would be saying. They would be saying, 'We are taking out this commercial and this is what will be going in'."

Continuing, Mr. Price said, "Commissioners, I think you can see that without a plan, without some kind of guidance, not only to give the developers -- but to give the neighbors -- I can see this happening month after month after month. I guess the position that I am taking is let's not let this thing be developed haphazardly and end up with another mess like we ended up with on Green River Rd., which is certainly not a good situation. And I think what I'm even more concerned about is that it has already cost the taxpayers a lot of money to correct that. So I'm going to go back to the request I made, not only as a Councilman but as a citizen, to request that we all get together and give the neighbors some input in what the plan will be. Throwing the medical at them tonight at the eleventh hour, they probably don't know how to read it. It was commercial, then it was R-4; now we learn it has to be medical slash something. I don't believe we really know where we are and I think that some time and a plan we can all live with will be beneficial to all of us."

President Borries said, "I believe Area Plan has initiated some studies regarding Jim Price's concerns here this evening."

Mrs. Cunningham said, "We already have a plan for this area. It is called the Comprehensive Plan. Your name is on it, Mr. Price. You have been one who has reviewed the plan, as have all the members here. That plan is still in existence and will be updated this year. We have also started on a Site Impact Study for this area, which will be finished. It is now in the draft stage. It has not gone before the Area Plan Commission yet, as it has to, but it will be going before them on March 4th. I can only tell you this about the draft, I'd like the APC to have the plan prior to anyone else, because they are the ones who have to do the recommending. But it mostly speaks to those things -- it is a more minute study -- but it speaks to those things that are in the Comprehensive Plan and we do have a plan for the community called the Comprehensive Plan."

Mr. Price said "Commissioners, the plan I had in mind was the plan that said 'We, the legislative body of the City of Evansville, go on record that we want Covert Avenue from Green River Rd. to wherever it is going to be thus and so. The only commercial we will allow will be commercial in this category excluding that category. Give some parameters as to what we would allow to go in there period. Then when a developer gets ready to look and pick a parcel of land, he can go back and say

there is no point in going before the County Commission, there is no point in going before the Area Plan Commission or the City Council, because they have already stated that these are the guidelines and we're going to have to live with them. But if you approve this one as it is tonight, next month the same group is going to be down here trying to convince you not to take this parcel right in the middle of the P.U.D. So I think we need some guidelines as to what we want. When I say 'we', I mean the people who act on this. If we want it to be just thoroughfare to move traffic, that is one thing. If we want it to be a thoroughfare with a limited number of curb cuts, that is something else. If we want low traffic commercial or heavy commercial, then that's something else. But I think these things should be developed in an open public meeting where we cannot under the gun take a vote on a particular zoning -- and then I think the developers can come in and know exactly what they can expect. The way it is now, it is amending it at the eleventh hour and I don't believe the citizens really understand what they are going to be in for if this is approved here tonight."

The Chair again recognized Mr. Gary Reck.

Mr. Reck said, "We feel there is a published plan in place and we acknowledge that you are under the gun to come to a vote tonight. The published 1985 plan has recommended that this area maintain itself as an R-1 zoned area. We recommend, we strongly urge -- that you support that plan. We understand enough to know that the area remaining in this P.U.D. that has been recommended for medical zoning is part of what we are opposed to. We understand that. We don't have much confusion on that whatsoever. We are clearly opposed to that rezoning, as well. The area is R-1. Our position is that we would like it to stay that way. If you are going to come to a vote tonight we are here supporting that you vote 'no' on the proposal to rezone this area."

Commissioner Cox stated, "President Borries, I would just like to make a comment to go along with what Messrs. Price and Reck have said. I think that if I'm reading it right and correctly, what you're saying Mr. Price (and Mr. Reck pointed out) is that we do have a plan now and it calls for residential. What I think you're trying to do is say, 'Let's get a plan and stick to the plan. If it calls for residential, things of a commercial nature should never be considered.' Is that what you're saying? (There was tremendous applause from the audience.)"

The Chair again recognized Attorney Wallace.

Attorney Wallace said "I would like to point out two or three things. First of all, if we are going to address the merits of the medical facility, David Tatum of Charter Medical is here. I can understand the concerns of the people who do not want to have to come back to a Board of Zoning Appeals meeting. I think that is one of the great things about our country, that the people are free to come to any open public forum and present their views.

We were asking this Board to hear the P.U.D. -- the special use permit. If it is contrary to the plan, etc., the BZA is aware of that plan and can vote against it. At this point, we're asking for approval of the P.U.D.....(the audience loudly interrupted his comments.)

President Borries said, "If I might ask the audience -- again, I am aware of your concerns and I certainly wish to let you speak -- but I also want you to please allow Mr. Wallace to speak and then we'll certainly have time for rebuttal."

Attorney Wallace continued, "We are here for approval of the P.U.D. and that is what we're asking the Commissioners to vote on. If the Commission wants to hear the merits of the medical facility and what it can offer the people in the P.U.D. as well

as other residents in the community, Mr. David Tatum of Charter Medical is here to address the issue. If not, he would like to remind the Commission, if he may -- and he states this very simply -- that during their meetings with the neighbors and in talking to several people outside the APC meeting in December, where this plan went through at a 5-3 (obviously you need seven for action, but there were only nine members -- and they had five of the nine members and three against and one abstention and that was with all the commercial they had). The neighbors repeatedly said they were against the commercial. Several of them (and he believes Mr. Price included) told him that if they got rid of the commercial that the medical facility was another issue and they possibly could live with that -- they are here today on the P.U.D. and they are here asking the Commission to amend it. If the neighbors in their concern -- and they have every right to speak and voice their concern and he encourages it -- are against the medical facility they will have that opportunity. But today he is here re the P.U.D. As he said it went through the APC meeting with a 5 to 3 and 1 abstention with the commercial. They have removed the commercial after offering several other compromises. As Mrs. Cunningham said, by making it medical/SU3 it does not guarantee a medical facility and it is technically a decision to be made by the BZA. He understands these people are saying they don't want to have to come back down. But as he said, he thinks we are very lucky to live in a county where we have an opportunity to come back down and express our views.

As far as this being inconsistent with the area, a P.U.D (Planned Unit Development) is just what it says. It plans the flow of traffic. We're talking about one curb cut in approximately 1,000 feet, which he thinks meets the idea of limited access and controlling traffic. He believes Mr. Morley pointed out that there are de-accel and accel lanes out of that which encourages the flow of traffic. Thus, he respectfully asks that this Commission look at the merits of the P.U.D. and he requests that the P.U.D. be amended as requested and that they vote on the merits of the P.U.D. itself and not on the merits of the medical facility in question under the petition filed.

Attorney Carl Heldt was recognized by the Chair. He said he represents Charter Medical Corp. They met with many of the people present back in January at a church in the neighborhood where these people live. They had a presentation from Charter Medical Corporation as to what their hospitals are, what they are in all the other communities and what they are going to be here. After talking to people at that meeting, his impression from the majority of people to whom he talked was that they weren't so much opposed to the hospital as it was described as they were to the blanket commercialization.

Charter Medical's purpose is to build a high class, quality psychiatric hospital on Covert Avenue. He would hate for the Commission to be voting tonight with concerns as to what that is going to be without knowing about it. If they are voting on the merits of this private psychiatric hospital (and he understands Mr. Wallace's argument was that those are going to be taken up by the Board of Zoning Appeals) he wishes they would let Mr. Tatum and himself speak to them, because there are some very real reasons why this private psychiatric hospital is good zoning for this neighborhood. That is why they have these Special Use Permits in residential neighborhoods. It is not bad zoning if you put in the type of facility these people put in. If the Commissioners are considering this question, he would sincerely ask for an opportunity for his people to address the Board.

President Borries asked Attorney Heldt if they are prepared this evening to make comments concerning this proposal?

Attorney Heldt said he would first of all introduce Mr. David Tatum, who is with Charter Medical, whom most of these people have heard. They have a very nice presentation on the hospital

and what they have in other areas, but they don't it have with them tonight. He does believe he can, however, allay a lot of the concerns if given a few moments.

The Chair recognized Mr. David Tatum, who stated he is Executive Director of Health Facilities Development for Charter Medical Corporation. Charter Medical is an International Hospital Management Company based in Macon, Georgia. They own and operate approximately ninety (90) facilities world wide. They have some in Europe. The majority are in this country. Most are the type they plan to build and operate here in Evansville. They are not strangers to Indiana. A couple of years ago they opened up a facility very similar to what this is planned to be in Ft. Wayne and it has done quite well and been accepted by the community. In September of 1985 they opened a facility similar to that planned for here in Lafayette. It has been well accepted and has done quite well. Next month they begin a similar facility in Terre Haute.

"I was at the meeting in January held by Charter Medical Corp. at the Lutheran Church in the neighborhood where most of these folks live. His impression from the people (approximately a head count of 60 persons) and their comments made publicly at that meeting to him was that the perception of blanket commercial zoning was what they were having a problem with. It was at that meeting that they attempted to describe that that which they build is not what most people consider to be a psychiatric hospital. It is not a four-story building with brick walls and bars on the windows and people bouncing off the walls. They build a private hospital that looks like a hotel. At the meeting they provided photographs, slides, answered questions about the lighting, the traffic and parking security and other concerns of the neighbors. It was their impression that they had allayed those concerns. Charter has built these facilities in resort communities like Saint Simon Island, Georgia, where the price of land is just incredible. They have testimonial letters (which he believes the Commissioners have seen and which, in fact, have been sent to them) which indicate that those people accepted the facility and they do not have any problem with the property being located next to the hospital. In fact, the property value has gone up. Charter Medical sent brochures by mail to most of the people who live in the neighborhood and provided brochures at the meeting -- which listed every facility Charter has, where it is located. At the meeting they invited people to pick up the telephone and call someone in the subject communities and ask them what about Charter Hospital? He doesn't know how many people have done this. They even went so far at the meeting to propose that spokespeople from the neighborhood group take a tour of Charter facilities (at Charter's expense on the corporate jet, which they would bring into Evansville) so they could see exactly what they are getting. No one took us up on that. I think we've done everything in our power to try to outreach into the community and deal with the concerns. My purpose here tonight (I don't have the site plan and photographs with me) is to answer any questions from either the Commissioners or members from the audience about what they think it is going to do to their property values and what type of security concerns they might have."

Commissioner Borries asked what would be the projected number of people that would be served by the facility?

Mr. Tatum said the facility is projected to be a 58-bed hospital to serve children, adolescents and adults. To give the figures, it is about a 30,000 sq. ft. building and he believes the capital cost is projected at \$5 million to build. They write a check to pay for it they do not ask for any bonds. The per profit nature of the institution indicates that they pay taxes and they create approximately 100 jobs with an annual payroll of approximately \$3 million. Those are the basic numbers. He thinks the Commissioners need to weigh that against -- there was a leader of this country whose birthday was celebrated on Monday who said you can't please all the people all the time -- what he has heard

tonight is that if it is an R-1 there will be remonstrators, because they simply don't want it. I think what Chal Corporation is wanting here is an opportunity to do the type of development that is needed to respond to Evansville as a growing community and Charter Medical is interested in being a part of it. At that neighborhood meeting, we indicated they too have concerns about the blanket commercial development and we indicated we would speak to Charter Medical about it and we did. We hope some of the results tonight are evidence. It appears to me the folks in the neighborhood won. They do not have blanket commercial. They have multi-family and the hospital use is very low intensity. If they want to object to that, they will have an opportunity in the public forum on Thursday before the Board of Zoning Appeals. At that time, we will have all of our materials and will be happy to address the matter before that body."

President Borries thanked Mr. Tatum for his remarks and asked if there is anyone else who wishes to speak?

Mr. Gary Reck approached the podium and stated that he did not know either that we were going to be talking about Charter Medical tonight. "But I was at the meeting and there were about forty of us and there seems to be some question that was thrown out -- as to whether there is opposition in the neighborhood to that hospital being built in the area in question. There are more people here tonight from our neighborhood than were in that meeting at the church in January. Will all of those people who are opposed to the Charter Medical Hospital signify by saying 'opposed'?" There was a resounding 'opposed' throughout the room. Continuing, Mr. Reck said, "If there is any doubt I think again that in an attempt to be clear, I feel we understand the issue and we feel opposed to it. When Mr. Tatum made his presentation in January, one of the questions asked was, 'Why here? Why not someplace else? If in Evansville, then why not someplace else in Evansville?' After the meeting he told me had been talking to St. Mary's Hospital about trying to become a part of their facility. As you know, with the changes in the medical community throughout the country and certainly throughout Evansville, there are a lot of empty beds. The occupancy rate is down in hospitals. I saw one of the very few -- we could only find about four -- packets about Charter Medical among the 700 families, which were mailed out to explain about their hospital. I saw one of those packets and I called some of the doctors who wrote letters to which Mr. Tatum was referring. They were responding to a presentation that Charter Medical made at the end of 1985. The response that I got from the doctors to whom I talked was that:

- a) They felt the medical community had changed since the end of 1985 to now as far as occupancy rates and the hospitals are trying to develop their own psychiatric units in existing facilities.
- b) They had no idea as to what location Charter Medical was talking about and did not want to be misconstrued as supporting this location.

I didn't know we were going to be talking about this tonight, but we did a little investigation into that topic as well. Thank you."

The Chair recognized Dr. Bernard Lourie, who stated, "I reside at 1517 Audubon Drive in the neighborhood. I am a physician in town and I would like to remind the Commissioners that Charter Medical, at the time a certificate of need was required to build a new hospital, held public hearings in Evansville that the medical community was united in the lack of need and the lack of benefit -- not only for our neighborhood, but for the entire city. Furthermore, when this was reviewed by the State Board of Health, they denied them the need -- and I think it is important to keep that in mind."

The Chair then recognized Dr. Anne Stewart who stated, "I live at 7200 Monroe Avenue. I just want to say that as a citizen I want to be sure that we all understand that what we are all here for tonight is to not break this up into factions. It doesn't serve anything for us to take out ten (10) acres and then have us come back. We are against the commercial; we are against the hospital; and we are against the whole plan. That is what we petitioned against; that is what we are here to show you our resistance about; and it doesn't solve anything for the people to say 'if we take this little piece out, then all of us will be happy'. We are not happy. We want you to defeat it; please do."

Mr. David Tatum again approached the podium. He stated, "I'll make a brief statement and then be quiet. The medical community in Evansville, contrary to what you have heard, is not, in my opinion, united against this facility. We have contacted a number of the people who supported us on the original application and they still support us regardless of where we want to locate. The State Board of Health issued an initial denial of our determination of need and have not ruled on the final determination of need. That may not be scheduled until the spring. We received a denial for our hospitals in Ft. Wayne and Lafayette initially and were successful in appealing those and those hospitals are open, doing well, paying taxes, and serving the needs of the communities. I think what you're judging tonight is appropriate land use. Charter Medical's hospital will be a first-class operation that will contribute to the community. We have extended every opportunity to the community to try to find out for themselves exactly what we would be providing. I'm sorry the mails didn't get over four information packets out, but I oversaw the sending out of a lot more than that and they were fairly complete. I don't know what else to do. We are willing to work with the neighborhood any way we can. We told them we'd put up a fence as a buffer if that is what they wanted. We told them we would arrange our access. We told them we would arrange our site to respond to their needs. I think it is appropriate. We'd like to be in Evansville. Thank you."

President Borries addressed the audience and said, "Again, we appreciate your attention and patience this evening. We'd like to begin at this point to summarize all the remarks. Mr. Wallace is at the podium. If there is someone else who would like to speak, we'd like to move forward with some haste. It is becoming a little late this evening. We are prepared, however, to stay as long as you wish to speak."

Attorney Wallace proceeded: "I will simply keep it brief. I just want to ask the Commissioners to realize that, as a property owner -- one is enabled to have a reasonable use of his property -- as a property owner, Chal Corporation, a local stockholder, has done an awful lot for this community, wants to be entitled to a reasonable use of this property. That includes apartments, duplexes, single-family homes and responding to the desires of these people to leaving the commercial out; simply giving this medical facility a chance to be heard. I appreciate the concerns; I appreciate the response of Mr. Tatum; but I do think it is only fair that they be given the opportunity to make a full presentation before the Board they anticipated making a presentation before. These folks are entitled to come back and make these remarks in opposition. But Mr. Tatum would also have an opportunity to bring his materials with him. If I understand him correctly just in chatting with him, he was coming from South Bend, IN and not Macon, GA and did not have his materials with him. I understand his concerns. I understand your concerns that there are several taxpayers out here saying 'we don't want this'. I don't think they're saying 'we don't want single-family homes; we don't want apartments down there'. They are addressing this hospital. I would like your consideration that this is not the full forum; the full forum is the Board of Zoning Appeals. I am not asking you to pass this off and let somebody else make the decision; but to allow the procedure to work as it is intended to

work -- and that is for the Special Use to be heard before the Board of Zoning Appeals -- and for this P.U.D. to be examined as it is, with the amendments requested. Thank you."

President Borries asked if there are other persons who wish to speak regarding this specific rezoning?

The Chair recognized Mr. Adam Zale. He said he identifies himself because of the remark he wants to make. "I can appreciate the real problem that you folks have; it is not an easy one. I wrote a letter to each one of you and included a copy of the lead article in the Wall Street Journal that told about the problems that Nashville, TN is now having because they did not have a plan. They are all getting frightened now. Chal Corporation may see a hospital there. But it's something like the Arab and the camel. They have their nose in and their head in -- and before long, they will decide, 'You know what we need? We really need additional equipment for geriatric; we need to find some space to put that building.' Pretty soon they will have their front foot in there and so it goes. Yes, I recognize that people with mental health problems need to see other people. So, Mr. Wallace, we wouldn't want to leave you out at all. I've got a good suggestion as to where you ought to go -- and that is a place across from the State Hospital there on Division Street. Part of it is already commercialized to the east. People could see cars going by; they can see people playing out there on the grounds; they can have a fine opportunity of being associated, rather than being hidden behind trees that you said you were going to put around the facility. They are not going to see many people that way. Let's be fair to them. So let's forget about this idea in the Covert Avenue area. Let this be a choice place where people can build a home. If you go out on Peach Avenue on the west side of Fuquay, you will find some very, very beautiful homes, recently built. Why not let that section be what it was intended to be?"

Mr. Frank McDonald III was recognized by the Chair. He stated he resides at 1408 S. Plaza Drive. "I am here as a neighbor tonight, not as a City Council person. But I would like to say that I came down here tonight with the idea of really trying to keep an open mind on this proposal and letting Mr. Reck be my spokesman. I think Mr. Reck did an excellent job. I, personally, have a problem though and find it to be offensive when you have an eleventh hour routine here. The point is that we don't want to have the people come back down (and that includes me) on Thursday. But it is all right to have a delay and change the plans at the last minute and expect them to come back down just because someone else has to come in from South Bend or Atlanta. I think it is abundantly clear that the desire here is to maintain this as residential and I think that is what these neighbors want. I am a neighbor out there. I am prejudiced -- I admit that. I am not here as a Councilman. But I think it has been very clearly stated by the people who have spoken -- and I want to agree with them -- I encourage you to defeat this rezoning. Thank you."

The Chair asked if there are other persons who wish to speak to this rezoning petition? There were none.

Commissioner Willner moved that VC-26-86/Petitioner, Chal Corporation, be approved from an R-1 to a P.U.D., with the necessary changes presented by Chal Corporation. The changes as I understand them were to take the ten (10) acres of commercial on the east side out of the P.U.D. entirely. The commercial land on the west side out of commercial and change it to SU-3.

Commissioner Cox said, "I would just like to explain to the people in the audience that in order to have any action on this petition tonight a motion has to be made. A motion must be made in the affirmative; it cannot be made in the negative. So this may allay some of your fears."

I have some things that I want to state before.....well, I can second the motion. I will second the motion and then I have a few comments.

You must understand that creation of 100 jobs and \$3 million to our city certainly means a lot in view of the fact that the Zenith facility is closing and Chayes-Virginia facility is closing.....(there was an uproar from the audience before Mrs. Cox continued).....now please let me finish. I have sat here and listened to many of you tonight. That certainly is a point to be considered in the overall looking at our community. And I think we must consider those things. We also had a very, very important point brought to us. Unless we have a specific plan for this entire area, I will tell you, Ladies and Gentlemen, even if this is defeated tonight, you probably will be back down here next year going through this same thing. So I would urge Mr. McDonald (who spoke out tonight) to assist Mr. Price in his endeavor to get some planned, concrete development for this area that will keep people from running back and forth like a mouse in a maze to these meetings. Those are my comments and I thank you for letting me make them."

President Borries said, "First of all, thank you all for your letters. We received a lot of letters from you and they were very articulate. Each expressed his or her concerns in a very good fashion. I guess I received more mail on this particular issue than almost any other issue that I can remember since I came onto the Commission. Space is becoming very scarce on the east side of Evansville in Vanderburgh County as you are fully aware -- extremely scarce. As that scarcity persists I suppose the concerns that you have re your future neighborhood and homes cause you to act as you have and act as a group. That, of course, is the ultimate value of local government. You can get nose-to-nose with the folks (many of you I know and many of you know us) and that is good; because there is obviously some value to your having a right to get here and come this snowy evening to express how you feel about things. This is a difficult job. I have often said that you could probably not please anyone in this room and make everybody mad when you leave here. But it is difficult because as we talk about jobs here -- and we have to keep this community moving. We have to keep it moving in a way that we also have a good plan for the future -- so your children and everybody can live here a long time. We can't guarantee that your neighborhood or any neighborhood is going to remain exactly the same all the time. But we'll try our best to maintain quality in your neighborhood as well as make this place a fine community for all. My concerns are that I also have concerns about the medical facility. I have concerns about the commercial development. I must say since I live on the southeast side near Pollack and Green River Rd., that Chal Corporation has been an excellent neighbor near my area. Some of our drainage problems have been alleviated as a result of their development -- so they have been a good neighbor. But, again, some of these particular points that have been raised concerning this petition have been not only confusing, but of great concern to me. I do want you to know first of all that I appreciate your feelings about these things and, personally, I take them very seriously. At this time then, based on the motion and a second in the affirmative, I will ask for a roll call vote.

Commissioner Cox asked that President Borries repeat the motion.

Commissioner Willner said, "The motion made by Commissioner Willner and seconded by you was to amend this petition.....

Attorney Curt John interjected, "You may want to vote on accepting the amendment first and then include that in the motion to approve the rezoning petition as amended."

President Borries said, "Then we're voting to accept the amendment.

Commissioner Cox stated, "I vote no."

Commissioner Willner said, "And I vote no."

Commissioner Borries said, "I vote no. We have voted on the amendment and now we will vote on the petition."

Commissioner Cox, "I vote no."

Commissioner Willner, "I vote no."

Commissioner Borries, "And I vote no. The petition is denied. Thank you for coming. We will have a short recess. I will say that Councilmen McDonald's and Price's comments are well taken. As we have said, space is getting scarce in this area and we will try our best to involve you and keep you apprized. You must do the same in regards to future plans for development in these areas. Thank you!"

VC-31-87/United Methodist Youth Home: The meeting resumed at 10:10 p.m., with President Borries stating that the next item on the agenda is the third reading for VC-31/87. Common known address is 2521 N. Burkhardt Rd. Petitioner is requesting change in zoning from R-4 to R-0 to bring existing group home and office into compliance with existing codes. He asked if anyone is present to speak to this rezoning.

The Chair recognized Doris Murphy, who stated she is the administrator for the United Methodist Youth Home. They are requesting change in zoning from R-4 to R-0 so they can construct an office building on the premises. During the interim, they propose to use a mobile office building on the property. Their services have grown to such an extent in the past two years that they have outgrown their existing space and a couple of the staff people are sitting at desks in various parts of the home.

The Chair entertained questions.

In response to query from Commissioner Cox, Ms. Murphy said there will be no more traffic than there is presently. They would utilize the same staff. When they construct the office building, more parking space would be made available. The people who would be using the office space have been employed by the home for some 12 to 18 months, so they are not new staff members.

The Chair asked if there is anyone else in the audience who wishes to speak to this petition? There was no response. A motion was entertained.

Motion was made by Commissioner Willner that VC-31-86 be approved, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared the petition approved by unanimous vote.

VC-32-86/Petitioner, Richard Bengert: Common known address is 11812 N. Highway 41. Petitioner is requesting change in zoning from A to C-4. Present land use is commercial adult bookstore, etc., and proposed use is auto repair and lease of commercial space. President Borries asked if there is anyone in the audience who wishes to speak to this request.

Attorney Dan Hewins was recognized by the chair. He said he represents Mr. Bengert. If the rezoning request is approved this evening, Mr. Bengert proposes to purchase subject property. He is not the owner, but he is purchasing conditioned upon the rezoning. They are asking to rezone the small parcel of property presently classified agricultural to a C-4 classification. This rezoning is apparently in keeping with the master plan for that area. The property is abutted on the north already by C-4 zoning.

and on the west by M-1 zoning. It is rather difficult-sized property due to the existing railroad track in that area. It does not appear to be usable as agricultural. Another positive thing in favor of this petition is the fact that the rezoning would clean up a use which is not particularly an attractive use. For some time it has been an adult book store and has never been popular in the area with the residents. They know of no opposition to this rezoning. Mr. Bengert has plans to clean up the property and do away with some very unattractive outbuildings, to use the property for auto parts as well as commercial leasing. Attorney Hewins said he does not feel that this use would in any way interfere with any other use in the area and would do away with a use that the county could probably do without. Mr. Bengert is present tonight to answer any questions. It is also Attorney Hewins' understanding that since the APC meeting, Mr. Bengert has had a site plan prepared, which was one of the deficiencies pointed out by the APC.

Commissioner Willner asked if he is to understand that Mr. Bengert will be dealing with new parts and not used parts?

Mr. Bengert said that is correct. He will be selling new auto parts at wholesale price and maybe doing some repair work. They are going to clean up the rooms on the second floor of the building, which are now in very sad shape due to their use. He will be leasing those out commercially to accountants or something of that nature.

Commissioner Borries asked if there will be any outside storage, such as cars, etc.? He's heard some concerns. It is not his intention to enter any kind of auto salvage or storage into this facility?

Mr. Bengert responded in the negative. He will have nothing in any state of disrepair. Everything he will have will be new wholesale auto parts.

Commissioner Borries asked what he envisions for the 2.5 acres adjacent to the Seaboard Railroad?

Mr. Bengert said that as far as the rest of the acreage goes he has no immediate plans. Further down the line, he may lease part of it and maybe build to suit -- probably something similar in use to that for which the Mangolds are using their strip.

Commissioner Willner asked the Director of the Area Plan Commission to read the uses for C-4 zoning.

Mrs. Cunningham responded that it would take the rest of the night. However, the heaviest use would be storage warehouse, trade association, cold storage, ice storage, railroad transfer warehousing, truck repair/rental, upholstery shop, welding shop, tire recapping, motorcycle repair, crating, packing or shipping services, automobile repair and specialized service excluding overhauling, painting and body work. That cannot be done. Mrs. Cunningham said C-4 allows outside storage, excluding salvage yard/junk yard operation.

Commissioner Willner said he guesses he agrees with Attorney Hewins' interpretation that most anything would be better than what we currently have on the subject property. The place has never really been a good business place for years, years and years. He would hope that with this change of zoning that we do have a change for the better. He has had some calls and some concerns expressed as to what is going to be located there. He has no problem with an automobile repair operation if it is done in a proper manner. There is one right up the road from Mr. Bengert's property. He also has no problem with lease/commercial or selling of new parts. But the minute Mr. Bengert has used parts in there, he will be in trouble with him. He hopes that Mr. Bengert would refrain from doing this. "Let's try to make that a better place than it has been for years."

Mr. Bengert said he wants to have a nice operation there.

Commissioner Cox said she thinks the concern here is -- this request does fit in with the overall comprehensive plan for the highway 41 corridor and the highway 41 corridor is one of the entrances to our city. She can understand Commissioner Willner's concern and it is also her concern. She thinks she went to school with Mr. Bengert a long time ago and she thinks his word is good. But, in order to have some assurances, would he be willing to put a stipulation into the zoning request? She understands we can do that out in the county. She doesn't know if the Board grants a C-4 without that guarantee whether the Board could come back and get him or not. She was hoping that he was going to tear down everything that was there. The fences are all coming down?

Mr. Bengert said that is correct. The two-story building will remain. It is structurally safe. He used to be an inspector for Pittsburgh Testing. The Civic Center was one of their projects and he knows what to look for in a building. It is a good sound structure; however, it will require a lot of loving care and a lot of elbow grease to get the place cleaned up, because it is really trashed out. Everything around the two-story building will go -- the fence, the outbuildings, etc. He wants to have a good solid nice looking structure there. He wants the Board's good will and that of the community and all he wants is to have a good, clean business.

Mrs. Cox queried Mr. Bengert about the parking lot.

He responded that it is currently a pretty solid area. There is chat in there and he thought he would continue with that and as the business grows, he thought he would eventually go to asphalt.

Mrs. Cox asked, "You have another operation somewhere else in the county that you are running at this time?"

Mr. Bengert said that is true. His other piece of property is up for sale. He is in a partnership with this brother. He has a bad heart and they are selling that business. The only thing he is taking with him is his parts operation (the wholesale new parts). That is the only part of their operation that will be going to the new operation. Everything he does will be within the building -- not on the outside.

Commissioner Cox said, "We have a site development plan and it doesn't call for any other buildings. Mr. Bengert indicated that if he does work on cars he will have to put up another building. What does Mr. Bengert need to do then?"

Mrs. Cunningham said that if he doesn't stipulate the site plan, he can put another structure there. He would just have to follow the guidelines.

Mrs. Cox said the Board can't go by the site plan, because the site plan tells what he is going to have. But now he is saying he may go on and expand -- so this site plan isn't any good.

Mr. Bengert said this would be further down the road.

Mrs. Cox said, "Mr. Bengert, my point is that if we go by this site plan, then when you get further down the road you cannot do what you are telling the Board you are going to do without coming back and getting approval. So this site plan doesn't really mean anything.

Mr. Bengert said this was prepared as the result of a suggestion at the last Area Plan Meeting; he did not have it at that time. It is for illustration purposes to show the Commissioners the differences in the widths and the distances, etc.

Mrs. Cox said there was also a concern about the number of curb cuts that go out onto Highway 41. There are two existing curb cuts on Old State Rd. and one curb cut on Highway 41. If that curb cut is changed, does he still have to get approval?

Mrs. Cunningham said he has to get approval from the State, and she has a response from the State to respond to the rezoning C-4 for car repair and commercial leasing. The Indiana Department of Highways says, "Please be advised that the Vincennes District Office of the Indiana Department of Highways has no objection to the rezoning of the land shown in the attached petition. The Petitioner should be aware that he may be required to modernize or upgrade the existing drive to meet current standards. Please note that the above approval does not constitute approval for any additional driveways or changes in existing driveways which may be desired or required due to rezoning." So, in essence, he will have to possibly upgrade or modernize the cut he has on Highway 41 now and he has no assurances of any additional cuts.

Commissioner Cox asked, "Is that agreeable, Sir?"

Mr. Bengert said that Steve Sherwood of Andy Easley's office had talked with Steve Atkins out at the highway office and he said for the time being that they were just going to wait and see how the traffic flow was, etc. This is what he had said in a telephone conversation. So they didn't see any immediate need to widen that cut on Highway 41 or upgrade it at this time.

Commissioner Borries said he hopes we now have Mr. Bengert's intentions on record, and if he will cooperate and just say what he will do, then that will be a big help. The Chair entertained further questions of Mr. Bengert or Mr. Hewins. There were none. Commissioner Borries then asked if there is anyone in the audience who wishes to speak to this rezoning? There was no response and a motion was entertained.

Motion was made by Commissioner Willner that VC-32-86 be approved, with a second from Commissioner Cox.

President Borries said the motion for approval had been made and seconded and he would ask for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared the petition approved by unanimous vote.

VC-20-86/Petitioner, Randy McClaskey: It was noted by President Borries that at the beginning of the meeting that the rezoning petitions are usually taken in the order that they are introduced to the Area Plan Commission. No one was present earlier when this petition came up on the agenda. Is there anyone present now who wishes to speak to this rezoning? There was no response. President Borries then asked Mrs. Cunningham how many times this has been continued?

Mrs. Cunningham said this is the last time. It has to be heard. It was denied 12/3/86 by the APC with seven (7) no's, no yes's and one (1) abstention. The time will be up March 4, 1987.

Motion was made by Commissioner Willner that VC-20-86 be approved for rezoning from A to C-2.

Mrs. Cox said, "I will second and enter the comment, please, that this request is for an area that lacks all utilities at this time."

President Borries stated, "It has been moved and seconded; and I would also like to ask Mrs. Cunningham for another comment. There were some concerns regarding this particular rezoning concerning the federal highway funding. Is that correct, Mrs. Cunningham?"

Mrs. Cunningham responded that that was one of the considerations. The concern was in response to a letter that we all received January 14, 1986 from the Indiana Department of Highways that speaks to the Federal Highway Beautification Act and I believe it stated on the Staff Field Report that we questioned that a stipulated site plan should be considered since the U. S. Department of Transportation and the Indiana Department of Highways sent notice to all communities warning that strip zoning for the purpose of erection of billboards alone will jeopardize state and local highway projects, resulting in suspension of all local activities for highway projects. The notice specifically requested that we receive the community's review of topographic features which would cause significant development costs for any use other than billboards. Utilities available to the tract for commercial development purposes -- they ask that you look at the current use of the tract and the surrounding areas and the community's comprehensive zoning plan for that area. I might mention that this site is entirely within the flood plain. Not only does it not have available utilities, it is entirely within the flood plain, requiring this 43.6 acre strip to be filled and raised at least 19.5 ft. to a level adequate for construction."

President Borries said, "Thank you; with those comments entered into the record, I'll ask for a roll call vote." Commissioner Cox, no; Commissioner Willner, no; Commissioner Borries, no. President Borries commented, "I think Congress has already jeopardized the highway funds enough, so we certainly don't want to do it with that one."

Mrs. Cunningham asked if she can quickly add something to the agenda? Commissioner Willner has already received this at the APC meeting; but she has the annual report for the Commissioners of Vanderburgh County; the work study program for the Commissioners, and the completed Division Street Growth Management Report, which has been approved by all bodies.

Request to Travel: If she may, she also would ask for permission to travel on February 24th to attend the Board of Directors meeting of the Indiana Planning Association, which will be next Tuesday.

Commissioner Cox asked Mrs. Cunningham if she has the necessary funds?

Mrs. Cunningham replied that she has no travel funds.

Mrs. Cox asked if she is going to take the county car?

Mrs. Cunningham said she is afraid to take the county car.

Mrs. Cox asked, "Well, what is wrong with it?"

Mrs. Cunningham said, "It's, it's....."

Mrs. Cox interjected, "It is shot already?"

Mrs. Cunningham said it is five or six years.....

Mrs. Cox asked, "Has it been that long?"

Mrs. Cunningham said she has not yet determined what to do. If she could borrow a car from another county agency, she would feel comfortable in doing that.

Mrs. Cox asked if this is just a one day meeting? No overnight stay?

Mrs. Cunningham said that is correct.

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

RE: OPENING OF PROPOSALS FOR ENGINEERING SERVICES

President Borries called upon Attorney Curt John re the proposals for engineering services and to address Mrs. Cox's concerns expressed earlier.

Attorney John said Mrs. Cox brought up the question as to whether or not there had been authority granted to advertise for proposals on the Orchard Rd. Bridge. In reviewing the minutes of January 26, 1987, he finds that a vote was taken regarding the Green River Rd. project. Later in the meeting, the possibility of including the Orchard Rd. Bridge was also discussed. However, he does not see where that was specifically included in the motion. Whether that was inadvertently an oversight is unclear at this time. But proposals have been submitted regarding Orchard Rd. Bridge.

Commissioner Willner said, "It was my intent (and probably my overlooking the fact that it wasn't in the minutes) to make sure that both bridges were in the minutes. I see no purpose to be gained by postponing this. If there is a reason that we should not advertise for the Orchard Rd. Bridge, I'd be glad to hear it. Otherwise, I would be prepared to make a motion that the minutes be changed to reflect the intent."

President Borries asked, "Bob, would you want to explain why the Orchard Rd. Bridge"

Commissioner Willner said, "We had two bridges on the Federal Aid Highway System for the first time in, I guess, the history of Vanderburgh County. Well, not quite -- but very few. But none in the last sixteen years that I have been on this Commission. We have the possibility of getting 100% funding for some of these bridges and both of them stand the possibility of the State letting the contracts yet this year and being done in this construction season. So I think it is imperative that we move forth with this project. Dan Hartman, our bridge design engineer, is doing Green River Rd. in house. He is doing Woods Rd.; has done some updating now on earthquake construction; the bridge on Boonville-New Harmony Rd., which we are also going to bid with federal funds. So he did not have time to do this bridge immediately. That is why I would like to see it bid out and that was my intent.

Commissioner Cox said, "I have no problem with that. My only concern is that the minutes reflect that this was discussed and no decision was made and we were supposed to get an update on our bridge projects at the next meeting and then act. Somewhere between that time and the meeting Monday, permission was given to advertise for both projects. I question by whose authority this was done. It makes you wonder if these things are being done. Our records speak for this Commission -- I was under no impression at all that that even came to a vote. I do not think it is an oversight insofar as the minutes. And I don't think you intended it that way at the time, Bob. I have no problem if we can go back and get this corrected legally and going ahead. But I do want to point out that I think our minutes must reflect our decisions. And a decision was not made to advertise or give EUTS permission to do both projects. Yet, someone speaking for this Commission (because our names are on every one of those advertisements) gave them this permission. And this is scary. This is a little thing -- and it could be something very big.

Commissioner Willner stated, "I would say that it is me that you are talking about. I probably told Andy to go ahead and advertise. If it is an oversight on my part, I'm sorry. But I think we should go ahead. If the rest of the Commissioners are agreeable, that's fine. If they're not, that is fine, too."

Commissioner Cox said, "We want to build them; but if you read the minutes, you did not reflect that intent. According to the minutes we were to postpone it, update it, and then get a decision."

President Borries said the reference concerning the two bridges is on Page 13. Then it is not clear. I want to say in defense of Bob, that I don't think

Mrs. Cox interjected, "But the motion was made specifically for the Green River Rd. plans and for EUTS to advertise...."

Mr. Borries said, "I do not know why Dan Hartman did not come, except that the next week Andy said he had talked with Hartman -- and I'd like to hear from Dan Hartman. Maybe we can try one more time to get Dan to come to a meeting and....."

Mrs. Cox offered comments, but they were inaudible.

Commissioner Willner said, "If the Commissioners feel comfortable, I move that the minutes reflect the intent of the Commissioners and that we continue to open the bids for the Orchard Rd. project."

The Chair entertained questions.

Commissioner Borries asked if we can add a page to the minutes of February 2nd for purposes of clarification?

Attorney John explained, "He is making a motion that his intent that the other bridge be included in the previous motion be accepted by the Commissioners and that they then authorize me to open the bids received."

Commissioner Cox said, "I will second the motion."

President Borries entertained a motion to authorize County Attorney Curt John to open the proposals; at this point they are requests for proposals for services; we assume that according to bid procedures if services go over a specified amount of \$25,000 that.....

Attorney John interjected, "We have not asked for a specific amount in this particular request for proposal."

Mrs. Cox stated, "The thing of it is, if we do what the advertisement said, I believe it said we would select....."

Commissioner Borries interrupted,. "For the record, if we could notify them all.....there is a County Commissioners District Meeting in Petersburg and then I have to be involved in a program in Bloomington, IN on Thursday. I am wondering if it would be all right with our office if we could inform those people via telephone tomorrow that we could set up a time in the near future for interviews? I could not do it tomorrow."

Attorney John said, "I do not foresee the Commissioners being able to interview all seven (7) companies in such a short period of time."

Commissioner Cox reiterated, "The ad says that interviews will be conducted on February 18, 1987 and the deadline for submitting qualifications is at 2:00 p.m. local time on February 17th. Of course, when this ad was placed, we didn't know whether there would be one, two, seven or fifty responses. I don't know about this ad, myself. That is putting us under awful tight constraints."

Attorney John said, "I would recommend contacting them and setting up a mutually convenient time for the interview and I do not believe that would create any major problems."

Mr. Easley asked whether the Commissioners would want to consider taking their brochures, evaluating them like we did on Lynch Rd., and selecting three or four to interview? That might shorten the time obligation.

Mrs. Cox asked, "Well, are we in compliance with our published legal ad that way?"

Mr. Easley said, "I think they would certainly understand if we notified them by telephone (as suggested by the County Attorney) and amend the selection procedure."

Attorney John said he does not believe the legal ad gets into detail concerning the type of interview -- whether it be the materials submitted or a personal interview, etc.

Commissioner Borries stated, "The ad says that three consultants will be selected on evaluation factors for an in depth study by the Vanderburgh County Commissioners. It says current information on the firm's qualifications will be included; a description of the anticipated work elements, schedule of work, staffing of work, past experience with Vanderburgh County, etc., etc. I suppose that if we advertised that we could, again, take these under advisement and notify all the firms that we have not selected three of the seven and that we will be in contact with them should they be selected. Would this be agreeable?" It was the consensus that this would be agreeable. Commissioner Borries said he would like to entertain a motion that the proposals be opened at this time.

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

RE: COUNTY ATTORNEY - CURT JOHN

President Borries asked whether Attorney Curt John has anything to report at this time?

Mr. John said he received a complaint filed on behalf of Margaret Whelan against the City of Evansville and Vanderburgh County. It is similar to a slip and fall -- at the Encore Resale Shop at 700 N. Fulton Avenue.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period February 9 thru February 13, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Emge Rd., Buente Rd., Green River Rd. and Ward Rd.

Trash: River Rd., Waterworks, S. Weinbach, Lynn Rd., St. Joe Ave., Old Petersburg Rd., Darmstadt Rd. and Wimberg.

Tree Crew: Selzer Rd., Kuebler, Church, Waterworks, Emge Rd. Mesker Park, Day Rd. and Kasson

Grader: County Line East, Armstrong, Wallenmeyer, Orchard Rd., Buente Rd., Acre Drive, County Line West, Burgdolt, Bixler, Mann Rd., Schissler, Swope and Ruston

Patch Crew: Oak Hill, Buente Rd., and Boonville-New Harmony Rd.

Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew, as follows:

- The Bridge Crew replaced a 12" culvert on Campbell Rd.
- They shored up the shoulders on Campbell Rd., and extended the culvert on Old 57.

- The crew repaired washout on Boonville-New Harmony Rd.
- They worked on the culvert extension on Koressel Rd., and cemented culvert on Marx Rd.
- They worked on guard rail extension on Boonville-New Harmony Rd., and concreted culvert at 10200 Old State Rd.
- Repaired culvert on Allen Rd., and sealed drain inlets at 7519 Dry Branch Rd.
- Cleaned Low Boy and repaired and worked on Ford backhoe at the garage.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Cox asked Mr. Bethel how much work it would involve or how difficult it would be when the Bridge Crew does work on a specific bridge, to include the bridge number on the weekly report? That way, the Commissioners would have a record where they could go to the bridge section and say such and such was done on such and such date. Rather than giving the location of the bridge, list the bridge number.

Mr. Bethel said this would present no problem at all and the bridge number will be included on future reports.

Harmony Way/Series of Accidents: Commissioner Borries said he had received several telephone calls from a Mr. Long concerning a series of accidents on Harmony Way. This individual may have talked with Commissioner Willner, as well. Or possibly, he may have also called Commissioner Cox. This situation seems to be similar to a situation we had on Darmstadt Rd. several years ago when one particular resident had a problem with a number of cars and guard rail was installed after a study was conducted. If the Commission would be agreeable, he would like for Messrs. Bethel and Easley to check this specific area on Harmony Way (he will provide the exact address). The last accident apparently came so close to the house that Mrs. Long is extremely worried about it. If guard rail would help (as it apparently has on Darmstadt Rd.) he would like for the Commission to look at this possibility; possibly look at the signing and the visibility in the area, etc. With the Commission's approval he brings this to their attention and would ask Messrs. Bethel and Easley to conduct a study of the situation.

Mr. Bethel said he has looked this area over with the road inspector. There's one thing about it, when they run into it, they'd be running head-on into it. However, it would be a very simple to do the job.

Mrs. Cox said that with regard to the one up on Darmstadt Rd., she thought it was installed with the understanding that it was only going to be temporary, because the same concerns had been expressed by the Commissioners that their coming around and hitting that guard rail could very well kill an individual and result in a fatality. The rail is still up and the home owner said something about putting a big hedge or something up -- but that has not been done.

5th Avenue Bridge: Mrs. Cox said the 5th Avenue Bridge deck is getting some big holes in it. She knows we repaired that about.....Mr. Bethel interrupted that he has this on the work schedule and it will be repaired as soon as he can get to it.

RE: COUNTY ENGINEER - ANDY EASLEY

"B" Street Underpass: Mr. Easley said the only item he has for the Commissioners concerns the letter he received from Hayes, Seay, Mattern and Mattern re a summary of a conference held on February 12th. It contains a couple of points of which the Commissioners should be aware. He has distributed copies to the Commissioners. They can read it; if they think it merits a discussion, then it can be discussed at the next meeting.

Commissioner Cox queried Mr. Easley regarding Item #4 in the Summary (which he had highlighted). She asked if he would explain about the railroad raising the question about closing the grade crossing at Claremont Avenue? She thought in previous discussions the Board gave assurance to the people in the area that this crossing would not be closed.

Mr. Easley said this is correct; and he told them that it was his opinion the public would not want that closed and he said he would relay the request back to the Commissioners, who would have to discuss it with the appropriate city people. The minutes came out to the County Council; but that is not what he said. He said it to the County Commissioners -- and he said he could not speak, but he was sure there would be great reluctance to agree to such a thing. He said he thinks this is a typical request from the railroad -- every opportunity they get where they can reduce their liability by suggesting that a trade-off be made.

Mrs. Cox said she does know they have been out there; she has seen them along Barker Avenue and "B" Street and she has received calls from three different families concerning what is going to happen to their homes along there. She feels we need to get this addressed as soon as possible. We have to wait on this design to see how much right-of-way we're going to need? She thinks what is bothering the people the most (and it also bothers her) is that people are calling them to see if they want to sell their house and people are saying that it has investment potential and this has some of the residents out there very concerned. They said they have called up here and some were told they were going to take nine (9) houses and others have called and were told they would take perhaps four (4) and the third one who called said the person they talked to didn't know if we were going to have to take any. So we really need to get something definite. She feels sorry for those people living in that area at this time.

Mr. Easley said he had received several calls and he told them that the study that was made showed no additional right-of-way would be required and no houses would be taken; parking would be reduced to parallel parking on "B" Street and there would be retaining walls as you get close to the railroad tracks. He said he was in no position to guess how high the retaining walls would be in front of a specific house. He really doesn't even want to say at this time. There would, no doubt, be steps in some of the retaining walls and he is sure some people can claim that their property has been damaged because they no longer have the access that they had. Other than that, he said we'd have to wait ninety (90) days until we get the preliminary plans.

Commissioner Willner said he had also had several calls and that is exactly what he told them -- we'd have to wait the ninety (90) days until we had the preliminary plans.

President Borries said then we'd have the plans by April 13th?

Mr. Easley said that is correct.

President Borries asked if we can hold a hearing in a nearby place in that area and notify the residents and have some representatives here from Hayes, Seay, Mattern and Mattern?

Mr. Easley said he is sure they could do that.

President Borries said the hearing could be held rather quickly after the plans are received on April 13th. Will Mr. Easley make a reminder of that and schedule a hearing date?

Mr. Easley said he has good communications with HSMM and they will keep him advised. He will try to advertise the hearing a month in advance. He will keep the Commissioners advised as this develops?

Mrs. Cox asked how many days HSMM had?

Mr. Easley said they had ninety (90) days from the date of the Notice to Proceed. The Notice to Proceed was dated January 12, 1987, and they had ninety (90) days after that to present the preliminary plans.

Commissioner Cox said the letter also said they enclosed a billing. Does he have that?

Mr. Easley said they did not sign the claim and he had to return it to them; he should have it back next week.

RE: PROPOSALS ON GREEN RIVER RD. & ORCHARD RD. BRIDGES

The Chair requested that County Attorney Curt John give a report on the proposals received on Green River Rd. & Orchard Rd. Bridges.

Attorney John said proposals on both bridges were received from the following:

- 1) Morley & Associates
- 2) Lochmueller & Associates
- 3) Veach, Nicholson, Griggs & Associates
- 4) United Consulting
- 5) Ohio Valley Engineers
- 6) Fink, Roberts & Petrie
- 7) Floyd Burroughs & Associates

Attorney John said he assumes that the Board is of the opinion that we should notify all of the bidders that we have received their proposals and will take same under advisement and subsequently select three (3) and notify them as to interview date. He asked if this is agreeable?

The Commissioners were in complete agreement.

President Borries asked if Mr. Easley will assist in reviewing the proposals and at the next meeting a time will be set up for the interviews. This will give the Commissioners a week to review the proposals.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

President Borries submitted the monthly report from the Clerk of the Circuit Court for period ending January 30, 1987.....report received and filed.

RE: COUNTY TREASURER

Also submitted was the monthly report from the County Treasurer for period ending January 30, 1987.....report received and filed.

RE: PRECINCT BOARD WORKERS PAY SCALE

The meeting continued with President Borries reading the following letter:

To: COUNTY COMMISSIONERS
From: Helen L. Kuebler, Clerk
Date: February 12, 1987
Re: Precinct Board Workers Pay Scale

Regarding the May Primary, which should be a City Election, according to all the news will have a school referendum, which will be for the County as well as the City.

Therefore, we will be opening the polls for the County for this school referendum only. I am hereby requesting the School Corporation to pay these bills pertaining to the referendum.

However, I do not believe the County boards will need to have instructional meetings. These boards would be paid as follows:

Inspector	\$55.00
Rep. Judge	35.00
Dem. Judge	30.00
Clerk, ea.	30.00
Sheriff, ea.	30.00

The City Boards will be the same as 1986.

Must attend Instructional Meetings.

Inspector	\$70.00
Rep. Judge	45.00
Dem. Judge	40.00
Clerk, ea.	40.00
Sheriff, ea.	40.00

Thank you.

The Chair entertained questions or comments

Commissioner Willner asked who is going to procure the polling places?

President Borries said the Commissioners have to set those.

Commissioner Cox said the School Corporation will pay for any rent on any of the polling places.

Commissioner Willner asked, "What if on election morning we go to a church parish hall which we've always used and we find it is under construction and we cannot use it for a polling place? Always before the Precinct Committeemen from each party go the night before and set up the polls, etc. Who will do that?"

Commissioner Cox responded, "I guess, by law, the Inspector is charged with being sure that everything is adequate in the polling place -- that adequate supplies are there -- that the building is open and comfortable -- and makes arrangements for the meals to be served. But there are what -- 31 or 32 precincts outside the city? Just have Margie call all those polling places to see if they will be available again. She usually does that anyway, doesn't she?"

Commissioner Borries said, "On the ones she hasn't heard from, yes."

Mr. Jim Lindenschmidt commented, "In the past, the precinct committeemen have lined up the election workers. The Democrat lines up his inspector, judge, clerk and sheriff and the Republican lines up his workers, poll book holders and all this."

But each political party pays the Precinct Committeemen for doing this work and seeing that there is coffee, donuts, etc. and lining all this up. A lot of them in the county have asked, "Who is going to pay them? Who is going to do this?"

Commissioner Cox said, "I saw a letter that came to the County Commissioners some three weeks ago and it was carbon-copied to both Party Chairmen and also the School Corporation -- that the way it was going to be set up and there would be no need for poll book holders or challengers. And there would be no need to take the big books out. They would simply send the list and have them sign. If their name was on the list that would mean they were registered and eligible to vote on the referendum. I don't know how the parties really handle it, but when you look at the legal aspects of it, it is the Inspector's responsibility to see that the Board is fed.

Mr. Lindenschmidt asked, "Who gets the Inspector?"

Mrs. Cox replied, "The Democrat Party County Chairman". The law says that they are appointed by the County Chairman of both political parties. We need to check with Helen to be sure she sent a letter to both party chairmen, but I believe I saw that letter and it was copied to both County Chairmen. But that is a good point. Mayor Vandever has not received a copy? Well, as far as the Commissioners are concerned, our only responsibility is the polling places. The law says we have to name those. We're going to have to take a harder look than previously, because in many instances we are not complying with the handicap provision in the federal laws and we're going to get in trouble. But that is our only responsibility. We don't name the boards. The County Chairmen name those. They dictate who gets the inspectors by a Secretary of State vote, so that is all out of our hands."

Commissioner Borries said he would think we'd have to get a list together and he asked that Mr. Lindenschmidt remind Margie to begin the calls and get a list together. He said he is not going to make a two hour speech here as to why he was in the media regarding this business as to encouraging/discouraging people -- that was only a thought that he had discussed at that point and there were no decisions. We were just looking at some ways to try to see what was going to happen. Again, that was just one of the many questions that this whole situation has raised. I don't think we want to change any of the county precincts for this one referendum."

Commissioner Willner said, "We might have to; what if one burned down or is in the midst of remodeling or whatever?"

President Borries said the Board will ask Margie Meeks to survey where we were last year and give a report as quickly as she can regarding the status of those.

Commissioner Cox said she might want to check with Mayor Vandever first because the polling places are Democrat-controlled.

Commissioner Borries asked that Mr. Lindenschmidt check with Ms. Kuebler tomorrow to ascertain whether she has talked with Messrs. Vandever and Shetler regarding the polling places.

Commissioner Borries said the Commissioners will have to name the polling places and contact the Precinct Committeemen and see if each will appoint an inspector.

Mrs. Cox said, "We don't have to do that. Mayor Vandever bothers with the Inspectors and the food. The Inspectors should order the food."

Discussion turned to the matter of the School Referendum. Mrs. Cox said she is certain that County Clerk Helen Kuebler would just as soon not have to go through this election. But when they petition by referendum and do it according to the statute (and evidently they have) the School Corporation has the right to petition, just like our board does; and the City Council and County Council can do likewise for referendums for issues to go to the voters -- and they meet the requirements, you can't say, 'I'm not going to put it on the ballot'. It's got to go. The timing is really bad though. The School Referendum will have to be a different color ballot and it will have a different pre-punch at the bottom. Remember we used to do this when people moved and could only vote for the President and Vice President -- we had red ballots.....? Unless a person is 18 years old, they cannot vote on any issue that relates to the school board or school related material. If anyone who is going to be 18 by November 1st, they can come to the polls if they live in the city and vote for all the candidates for either party they want to select. But they cannot vote on the referendum for the School Corporation. There really is no reason for all these people out in the county to declare a party. When they come, they will just be given the school referendum ballot. That's it.

RE: UNIVERSITY OF SOUTHERN INDIANA - CITIZENS-USI 15K RUN

The meeting continued with President Borries reading the following letter:

February 10, 1987

Board of Commissioners of
Vanderburgh County
305 Administration Bldg.
Evansville, Indiana 47708

Dear Commissioners:

I am again requesting your permission to use county roads for the Citizens-USI 15K Run. This will be the 8th year for this event. We will work with the Sheriff's Department, REACT, and Civil Defense personnel to provide for runner safety and proper traffic flow.

Thank you for your consideration of this request.
Please contact me at 464-1701 concerning any questions.

Sincerely,

Bill Stegemoller
Race Director

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

RE: COUNTY TREASURER - REQUEST FOR LEAVE OF ABSENCE

The following letter was read by President Borries:

To: County Commissioners
From: Patrick Tuley, County Treasurer
Date: February 17, 1987
Re: Leave of Absence

This is a follow-up letter from February 5, 1987, requesting that Faith Hart continue to be on a medical leave of absence thru February 20, 1987, per attached doctor's excuse.

I would recommend that her medical insurance continue to be carried.

Thank you,

Patrick Tuley

President Borries said a note from the doctor is attached. A motion was entertained.

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

RE: OLD BUSINESS

Tall Timbers Subdivision: President Borries said an afternoon meeting was held on February 11th concerning Tall Timbers Subdivision. Mr. Jeffers made comments during subject meeting and he is to put those comments in writing. The meeting was held at Tall Timbers, concerning that situation.

Alexander Ambulance Service Contract: The other item of old business concerns the contract with Alexander Ambulance Service, Inc. The contract amount discussed and approved in a previous meeting was incorrect according to the budget increases allowed by Council. The correct amount is \$155,121.00. This was called to his attention and he feels that this matter should be addressed under old business tonight. A motion was entertained.

Commissioner Cox asked if we have the correct amount in our budget?

President Borries responded in the affirmative.

Motion was made by Commissioner Cox that the contract be amended to reflect the \$155,121.00 amount, with a second from Commissioner Willner. So ordered.

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim in the amount of \$773.10 for litigation services concerning several matters.

Helfrich Insurance Agency: A number of claims for Public Official Liability Bonds, etc.. All have been signed by John Hodge, our agent of record. Total amount of bonds is \$76,045.00 and the funds to cover same are in the budget.

Motion to approve all claims for payment, as submitted, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Also accompanying the claims was the following letter from Mr. Hodge:

February 17, 1987

Board of Commissioners
County of Vanderburgh
305 Civic Center Complex
Evansville, Indiana 47708

Lady and Gentlemen:

Enclosed is the All Lines Aggregate update for your insurance plan for the period February 1, 1987 through January 21, 1988. This is a continuation of the program which you commenced on February 1, 1986.

Due to an excellent loss record for the last 12 months, the Loss Fund established by the County for payment of claims has not been seriously depleted. Funding for all coverages and contributions to the loss fund to bring it up to maximum amounts can be accomplished while staying within the current budget amounts.

We are also able to provide \$1,000,000.00 in liability coverage this year for a reasonable price within the budgeted amounts. Last year we were only able to secure \$250,000.00 coverage, but we have been more successful this year.

In order to properly fund the self-insured portion of your protection, the General Fund and the Highway Department should each transfer funds to the County Loss Fund. The General Fund should transfer \$18,000.00 and the Highway Department should transfer \$100,000.00. This should be done as soon as possible to insure that this loss fund is totally funded.

The other coverages for the County - property, public official liability, police professional liability, boiler and machinery, crime and bond coverages - have been secured for the same coverages as last year, and at reasonable premium levels.

Enclosed are all of the invoices for your 1987 coverages. These have been reviewed with the appropriate county officials and appear to be within all allocated budget amounts.

If the County Officials continue to work for loss prevention and cooperate fully on the timely handling of all potential loss situations, Vanderburgh County should expect to realize a very stable level of insurance costs for many years.

We are constantly on the alert to develop new ideas to keep your insurance program adequate to cover your needs without involving any undue costs. It appears that the current program is accomplishing these goals.

Thank you for the opportunity to service your insurance needs.

Very truly yours,

HELFRICH INSURANCE AGENCY

John D. Hodge

President Borries said he had a meeting with Mr. Hodge and the PENCO officials. Mr. Jerry Shenck also sat in on that meeting. Again, they gave a very good report. The \$1 million coverage is obviously greater than we were able to secure last year. They said that without the excellent record we have had, we would not have been able to get that. He specifically wants to thank Jim Lindenschmidt, who has worked closely with Mr. Jerry Schenk and all of our County Highway officials, Burdette Park and the Auditorium -- and we have had a successful year.

RE: EMPLOYMENT CHANGES

Hillcrest-Washington Home (Appointments)

Jenal A. Jones	House Parent	\$5.50/Hr.	Eff: 2/16/87
Marjorie L. Lyons	House Parent	\$5.50/Hr.	Eff: 2/16/87
Deborah W. Laster	Clerk-Typist	\$5.20/Hr.	Eff: 2/16/87

Hillcrest-Washington Home (Releases)

Jenal A. Jones	Clerk-Typist	\$5.20/Hr.	Eff: 2/16/87
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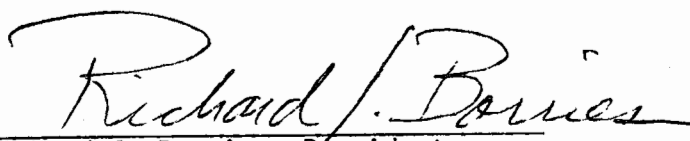
There being no further business to come before the Board at this time, President Borries adjourned the meeting at 11:40 p.m., with the announcement that the Board of Finance Meeting will be held immediately subsequent to the Commissioners meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Cindy Mayo, Chief Deputy	Curt John
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>AREA PLAN</u>
	Bill Bethel	Andy Easley	B. Cunningham B. Behme

OTHER

Don Folz
Angela Folz
Steve Bohleber, Atty.
Keith Wallace, Atty.
David Tatum. Charter Medical Corp.
Carl Heldt, Atty.
Gary Reck
James Price
Frank McDonald III
Adam Zale
Dr. Anne Stewart
James Morley
Charles Brown
Dr. Bernard Lourie
Doris Murphy
Richard Bengert
Dan Hewins, Atty.
News Media
Some 200 Residents

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 23, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, February 23, 1987, in the Commissioners' Hearing Room, with President Richard Borries presiding.

The meeting was called to order by Commissioner Borries. He stated that approval of the minutes from the previous meeting will be deferred until next week.

RE: STEVE HAMILTON - FOUR RIVERS RC & D COUNCIL

Mr. Hamilton approached the podium and stated that he is with the Four Rivers RC & D office in Petersburg, Indiana. He distributed maps to the Commissioners and explained that they are maps of the nine counties Four Rivers RC & D area and he has notes that he would like to share with the Commissioners, by first explaining that RC & D stands for Resource Conservation and Development. He said that back in 1969 the Soil and Water Conservation District, in each of the nine counties, talked about forming an RC & D area in this part of the state and they started talking about some of the mutual problems and opportunities that they had in Southwestern Indiana and not too long after that they contacted the County Commissioners in each of the nine counties and asked them to join in forming the Four Rivers RC & D area, and then they began working on a Four Rivers RC & D area plan which he has, that has been developed to show some of the resource conditions, natural resource problems and opportunities. He said that in 1974 this area plan was approved by the Secretary of Agriculture and the Four Rivers RC & D area was approved as an official RC & D area at that time, and among other things, this allowed the Four Rivers area to have an RC & D co-ordinator like himself and he worked with the Soil Conservation Service to administer the program and they really began the official operation at the end of 1974.

He said the RC & D Council, which governs the program, is made up of representatives of each of these two units of government in each of the nine counties and Elvis Douglas, the District Conservationist, is here and he will talk to the Commissioners about their representative on the RC & D Council. He said they like to meet with the sponsors occasionally to remind them what the Four Rivers is all about, that basically, the Four Rivers RC & D program has three purposes, the concern for natural resources, to promote economical development and to promote opportunities for the people in the area, and hopefully, the result of that will be a better quality of life for the people in the nine county area. He said the chart that he submitted explains how the RC & D program works, that the RC & D Council represents the local people that have control of the RC & D machine, that they set priorities, they establish objectives, and they adopt specific measures or actions that they would like to see carried out. He said the cog in the machine would be the RC & D sponsors, the RC & D Committee's that are formed by the council, the U.S.D.A. Agency and other federal agencies, state and local government and the private sector, that these are all sources of help that can help carry out the action that the council adopts, that they would like to see carried out in Southwestern Indiana. He said that as co-ordinator, he tries to find out who would be the most appropriate one to get a certain measure carried out, that this is his main job, to try to find sources of help and jump through whatever hoops are necessary to try to cause that help to be applied to measures that the local people have adopted, and hopefully, as a result, would make this a better place to live, work and play, that their main concerns are the natural resources, about the people and the economy in the area, which are very difficult to separate.

He said the Four Rivers RC & D Council has done quite a bit of work in the past year revising their by-laws and trying to get their house in order to make the program more effective, specifically, they are working, right now, on getting the federal income tax exemption from the I.R.S. which would allow Four Rivers to approach some sources of help that they haven't been able to get in the past and right now, they can't receive a grant from a corporate or private foundation and this is an important source of help, so they are working on getting the information together that they need to apply for tax exempt status and there were some changes needed in the by-laws to really get things in line to make it go through when they send it in to the I.R.S.

He said that one of the things that has been done in the past few months is to revise the by-laws to establish Four Rivers divisions, that the Four Rivers have had some committee's for quite some time that have been working in specific areas but some of the committee's have grown and have now been classified as divisions, that they have their own Board of Directors, their own officers and they collect dues from their members to generate money in order to work on specific projects, and currently, the three divisions are, the Four Rivers Tourism Association, the Southwest Indiana Mineral Resource Association and the Four Rivers Arts & Crafts Association, and their Council also has three committee's at the present time, the Forestry Committee, the Conservation Education Committee and the Agriculture Committee, that the Agriculture Committee has been around for some time but the other two are relatively new, and the Agriculture Committee worked on some things that the council wanted to see done and when the job was done it was inactive, so the council voted, last November, to re-activate the Agriculture Committee and the other committee's were formed and any one of these committee's could grow into a division because they knew, through a lot of the activities of the committee's could draw in people who may have a specific interest which could form into a good working group which might be re-classified as a division later on. He said the divisions and committee's are very important because they do draw a lot of people into the Four Rivers program, that they may not be interested in the overall program very much but they may be very interested in promoting tourism in the nine county area, so the committee's have functioned to really broaden the program. He then submitted the list of objectives that the council has identified and he explained that these are areas of need and opportunities that the council feels is important and they will guide his and council's efforts. He said they have a lot of measures or projects that have been adopted but they are going to be looking real hard in the future at using this list of objectives to establish priorities in their efforts for the future.

The list of objectives are as follows:

1. Maximum development and wise use of natural resources (Soil, water, forests, coal, oil, etc.)
2. Promoting industry and jobs (Ag related and other)
3. Education, especially to urban people and youth, on how important agriculture and soil conservation are to the economy
4. Improve county roads and bridges
5. Tourism promotion of Four Rivers Area to those inside and outside the area
6. Four lane state highways 57 and 67 from Evansville to Indianapolis
7. Stop fall tillage on highly erodible land - increase conservation tillage
8. Improved waste management (solid waste and sewage)
9. Alternative agricultural enterprises
10. Encourage good municipal, county, and multi-county land-use planning, zoning and enforcement
11. Reduce damages from flooding, erosion and sedimentation
12. Fully develop water resources to meet the needs for agriculture, recreation, wildlife and industry
13. Develop necessary community facilities for health, education, water, sewer and transportation needs
14. Improve quantity and quality of outdoor recreational facilities
15. Develop and preserve the historical and natural aspects of the area
16. Encourage coordination of RC&D activities between all agencies, groups, organizations, units of government, and individuals
17. Provide procedures whereby specific needed actions to meet the objectives can be identified, adopted and carried out

Mr. Hamilton said he might mention a few things they have accomplished in the past few months, that the Four Rivers Tourism Association published a tourism booklet last spring promoting the nine county area which was funded through their own efforts by selling ads and that particular division has a three-year plan of work they adopted which includes about fifteen managers to promote tourism that they would like to carry out in the next three years and

he might mention that Ken Meyer of Posey County is the newly elected president of that division, also that the Four Rivers Arts & Crafts Association held their tenth annual Harvest Home Festival Arts & Crafts Show last October and it has grown into about 7,000 people attending the two-day festival there, and that is the primary thing that division works on throughout the year, that there are about 100 exhibitors at that festival and about a year ago, the Four Rivers worked with the Purdue Extension Service to hold a leasing and reclamation seminar whereby they put together a panel of experts who provided information particularly for people who own minerals and land that is unclaimed by minerals and they talked about leasing aspects and reclamation aspects that those individuals need to think about and there is quite a bit of interest in that, and as a result, the Four Rivers established their mineral resources division.

He said that the Four Rivers, for thirteen years now, has distributed free issues of the Nature's News to the Fifth-graders in the nine county area, that this is an educational publication that the Kiwanis Club in the nine-county area helps sponsor, so those are a few of the things that have been carried out in the past few months. He said he would be glad to answer any questions anyone might have.

Commissioner Borries asked if there were any questions.

Commissioner Cox said that she has a question. She said that number 4 on the List of Objectives reads, To improve county roads and bridges, and she asked how the Four Rivers goes about doing this.

Mr. Hamilton said this is a never ending problem, that the individuals who are citizens of Southwestern Indiana that are on the Council identify that as a problem and a need that we have, specifically some of the things that the Four Rivers has done is, that they have two kinds of measures, Cost-share measures and Associated measures, and one of the categories that is eligible for cost-share money is Erosion Control or Critical Area Treatment and there has been some critical area treatment work done in all nine counties, in fact, there has been some work done here in Vanderburgh County to protect the airport, under the R C & D program and there has been quite a bit of roadside critical area treatment work done in a lot of the counties to reduce the amount of sediment and erosion in the roads and ditches, that their interest in roads and bridges aren't limited to that but at this point and time, this is what Four Rivers has primarily done on that particular problem.

Commissioner Cox thanked Mr. Hamilton for the explanation.

Commissioner Borries said that Mr. Hamilton has given an excellent presentation and he knows that our county is a real study in transition in many areas, that there is tremendous urban growth in the southern and eastern parts of the county but when you get into the northern part, he thinks there is a continuing real rich agricultural tradition out there and he knows that with the work of Elvis Douglas and the Soil Conservation people, there has been a lot done over the county and he thinks the points given here have been excellent and we really need to look carefully as space grows scarce in this county and all around the area at the standpoint of growth, that it is something you welcome but you do have to work with it and plan very carefully, so we certainly welcome Mr. Hamilton's comments and the Commissioners really appreciate his work.

Mr. Hamilton said his last comment would be that it is very important for the Commissioners to know that the program is intended to be a peoples program and also very important that the sponsors like the Vanderburgh County Commissioners continue to have their input into the program.

Elvis Douglas, District Conservationist for Vanderburgh County, said he will speak very briefly by saying, that as Steve has pointed out, that of the various activities that the Four Rivers RC & D has in Vanderburgh County, there are two primary ways that many of the measures are sponsored and that is through the Vanderburgh County Soil & Water Conservation Board and the other is through the Vanderburgh County Commissioners, and each year they get an opportunity to look at the council member that represents them on that committee and decide whether or not they would like for that person to continue on, or whether they would like

to have someone else who might better represent their interest, so he is here basically to find out if the Commissioners would like to appoint someone to serve their interest on the executive council, that it isn't necessary for it to be a County Commissioner, that in many instances, he thinks it works best, if it isn't but if this is the Commissioners desire, they can sure feel free to do so, also he would like for the Commissioners to appoint an alternate in the event that that the representative can't be there, so that person can attend the meeting on the representatives behalf and report back to them and keep them informed of all the activities taking place in the Four Rivers RC & D area.

Commissioner Borries said the Commissioners sure do appreciate the work of Mr. Douglas and also his excellent advice in many decisions they have to make.

Mr. Hamilton said that the RC & D Council meets about five times a year and they alternate their meeting places between Petersburg and Princeton which are pretty well centered in the nine-county area and for several years, those meetings have been held on the second Wednesday of the month around 7:30 p.m.

Commissioner Borries said that Commissioner Willner lives closer to Petersburg and Princeton than the other two Commissioners and he has indicated his willingness to serve, and he thinks that Commissioner Willner has some extensive experience in some of the areas the board will be involved in, and Commissioner Cox said this would be agreeable with her, so Commissioner Willner could be our representative and meet with them and keep the other Commissioners informed of their activities because he wants them to know that what they do is important. He asked Commissioner Willner if he is willing to serve.

Commissioner Willner said he is willing to serve but he has a few comments to make, that in traveling around the country, he thinks that the Conservation District in this area has done more good than any place else in the world that he has seen, that he thinks Vanderburgh County has done an excellent job, that 100% of our full-time farmers have some sort of soil and water units on their farm. He said he supposed that one has to travel out Owensville Road, where he lives, that it is permanent and it is within sight on either side of the road all the way out and he believes that Vanderburgh County has some of the best soils in the world, that they really do a good job. He said, in promoting industry, jobs related to agriculture and others, he thinks we have done a very poor job, that it isn't only the Council's objective but these are also the Commissioners objectives, so there are some good things that have been done and some things very badly need some work, that he guesses the overall picture seems that the Soil & Water Conservation has been a federally funded project, the only one that he knows really works, and the Four Rivers is struggling for some dollars so he isn't sure but what they need to do is to get some dollars in there if we are going to be very effective.

He said he will be glad to serve on the Council and he will do everything he can, and he thinks we need to work on providing some dollars to do something with, since if you don't have this, you really have nothing. He said he remembers when they filled out a form for these objectives and he was privy to looking over the actual outcome of the vote and Number 4 was to improve county roads and bridges but he thinks this was for counties with the exception of Vanderburgh but some of these other counties are in very bad straits and he isn't sure what good we can do there, but he will certainly be glad to work with them.

Mr. Hamilton said he might point out that they have a project that is pending at the present time with the town board and that is to try to correct a problem out on St. Joe Avenue in use of critical area and treatment and he thinks if they work with the Commissioners on the Mann Road Project, that it didn't go as they originally thought it would, but he thinks it ended up in a condition that was satisfactory to the Commissioners. He said that this year, the Vanderburgh County Soil & Water Conservation District appointed Mike Thomas and Charles Wolf to serve on the Commissioners behalf, and he pointed out that they usually get together when they go to these meetings, so if the Commissioners have a problem, just let them know and they can join them.

Commissioner Cox then moved that Robert Willner be named our representative on the Four Rivers RC & D Council for the calendar year of 1987. Commissioner Borries seconded the motion. So ordered.

Commissioner Borries then asked Mr. Hamilton, where in the vastness of the federal budget, does he get his dollars.

Mr. Hamilton said, as he had previously mentioned, by law, the Soil Conservation Service was singled out to administer the program and most of the RC & D men, like himself, are Soil Conservation Service employees, that RC & D is a line item, a separate program that Soil Conservation receives funds for, to pay their salaries and also for the cost share portion of the program which has never amounted to a lot of money and they are restricted to about eight categories of measure that can be funded and those are not always categories that are really priorities for the local people, and he thinks it important to look at what the local priorities are and if that happens to be a cost share category, fine, if not, they move on to find a source to get the job done.

Commissioner Willner then moved that Shirley Jean Cox be our alternate representative on the Four Rivers RC & D Council. Commissioner Borries seconded the motion. So ordered.

Commissioner Borries thanked Mr. Hamilton for coming today and for giving the Commissioners his agenda, which is a good one.

RE: ALICE WEATHERS - C.A.P.E.

Ms. Weathers of the Community Action Program of Evansville appeared before the Commissioners and said it was her intention to meet with the Commissioners earlier but they have been quite busy organizing C.A.P.E. She explained that C.A.P.E. is an anti-poverty program that serves low-income individuals in Vanderburgh, Posey and Gibson Counties, that they are responsible for the goal of achieving self sufficiency or of having positive impact on the lives of the poor. She said that in the past 11½ months or so, there has been done, a re-organization of the agency, the finance office and also the administrative staff, that she now has two deputies who have been with the agency for more than ten years and within the past three weeks she has brought in a new fiscal person from the Indiana Department of Community & Services so she thinks, in terms of administering the agency, they are well on their way in a positive direction.

She said she is here today to ask the Commissioners to support them in their efforts to once again bring services to the transportation disadvantaged and elderly in Vanderburgh County, since they find that some 13,000 transportation disadvantaged persons have lost access to their Smile Transportation Program. She said in previous years they were able to serve that group and they have also identified about 35,000 elderly individuals who may make use of their services in this county, that at one time they served Vanderburgh County but evidently they did so quietly and the city wasn't concerned about it, but the position has been taken that, in order to continue serving the county, they would need to request dollars from the Commissioners in order to support the program.

She said they have looked at it and evaluated it in several different aspects and decided what they might want to do is to not only expand services to Vanderburgh County but to Posey and Gibson County as well, that her request for dollars must be made from all three counties, that she is asking for \$19,333 from the Vanderburgh County Commissioners since that would be 1/3 of their match for the total cost. She said they have requested \$107,000 for vehicles, one for each of the counties that they serve, and they will need approximately \$21,000 in match for that program and for their total operating expenses they have requested \$273,000 and she is asking the Commissioners to assist them with that amount as well, which would make a total of \$55,000 so she is asking the support of the Vanderburgh County Commissioners for \$19,333.00. She said the services that they are proposing to provide are similar to the Smile Transportation Service that they are currently operating and they propose to make transportation services available from an early morning hour until 6 p.m. and they would make services available to the handicapped, elderly and hopefully, low-income individuals in the county area.

She said it is their intent to develop a system which would, in fact, circle the three-county area, however, they may find that this isn't realistic and may then assign one bus for the county, however, it is her desire, regardless of what happens in the other two counties, to expand their services to Vanderburgh County. She said they are currently operating from 6 a.m. to 6 p.m. six days per week and they have a transmitting unit on their buses, also on some of them they have a senior aide person who assists the elderly and handicapped persons with their shopping, etc. and this is their intent, so she respectfully requests the Commissioners participation in this effort. She then asked if any of the Commissioners have any questions.

Commissioner Willner asked Ms. Weathers if she has done a survey to see how many people might use these services.

Ms. Weathers said what they have done is to take the information they had available previously from their services and they have found that they have services more than 5,000 individuals in the Vanderburgh County area alone, outside the City of Evansville.

Commissioner Borries asked Ms. Weathers if they have lost any funding through any federal sources at this time due to the transportation cuts.

Ms. Weathers said their funding has remained fairly level, that the problem they have is in producing the match and the revenue, that at one time, the City of Evansville had the Trip Program which had a tremendous impact on their budget and she would say that from this loss alone they are probably going to exceed the deficit of \$30,000 so it has been a tight year and as the Commissioners know, they had the liability crisis in terms of insurance which has gone up from \$12,000 to about \$17,000 per year, so this will have an impact on their operating efforts as well. She said it is their hope and expectation that by combining the services in their Smile Program, that it will be in a more cost effective manner than opposed to trying to set it up in each county.

Commissioner Cox said the Commissioners concern here is, that whenever the city puts part in the pot and the county puts part in the pot, the city always thinks they get hit double for a lot of these things and if \$19,000 is our share and we pay \$3.50 per trip, and that seems pretty reasonable as far as she is concerned.

Ms. Weathers said they think it is a cost effective program and frankly, they lose money on it but it is a service that is needed.

Commissioner Borries said his Mother will soon be 80 years of age and has never driven a car in her life and as active as she is, he knows that when his Dad was ill, his Mother has used the program from time to time in the city and it is a very good program, and as we have more elderly people, there is certainly going to be a need that has been identified and as Mrs. Cox pointed out, at this point it doesn't seem that there will be any overlap in any of the services.

Commissioner Willner moved that Ms. Weathers go before the County Council and ask their approval of the funding. Commissioner Cox seconded the motion. So ordered.

Commissioner Borries told Ms. Weathers that she now has the backing and permission to go before Council to ask for the funding.

RE: MARK TULEY - BURDETTE PARK - SOFT BALL DIAMONDS

Mr. Tuley said he would like to waive his financial report until next week, but he has something on the soft ball diamonds that needs to be addressed. He then submitted a letter to the Commissioners that he received from Chris Rehn, Sports Supervisor of the Evansville Department of Parks and Recreation which reads as follows:

Dear Mark:

I have heard of the possibility of Burdette Park being able to fund the lighting of the two softball diamonds this spring. That is great news, and I surely wish you the best of luck in acquiring the funds.

We, the Department of Parks and Recreation, would welcome this addition and, likewise, lighted fields should greatly increase the usage in and the revenue produced in your park. Playing Monday-Friday as in the past two years, we would be able to increase the number of teams weekly from 40 to 80-85 with the addition of lights. This increase represents about 700 additional people playing softball weekly.

Lights would also allow us to play 15-game leagues as opposed to the current 10-game league. The opportunity for weekend revenue would also be greatly enhanced since larger tournaments could be held with night play available.

Please contact me if I can be of any assistance in this project. Best of luck in making this possibility a reality.

Sincerely,

Department of Parks and Recreation

Chris Rehn
Sports Supervisor

Mr. Tuley said that for some time they have been discussing lighting the softball diamonds and during the last few months, several things have transpired and he has talked to some of the Commissioners individually and Commissioner Willner has been working on it and has successfully gotten the poles for the lighting donated to the park and one of the electrical contractors in town has agreed, at no charge to the county, to set the poles and he has a request before the West Side Nut Club in regards to donating funds toward this project and they will be getting with him in the next week or so and they are definitely in favor of this project. He said he understands that the city doesn't plan on adding any new lights to their existing fields and they have had to turn people down in Vanderburgh County teams in the past because they didn't have enough lighted fields to play on, and last year he put in a request in their Capital Improvements to go ahead and light the fields and it was going to cost approximately \$75,000 to do both diamonds, and right now, it looks like they are going to have between \$20,000 and \$25,000 of that donated to the park so basically, if the county wants to fund it, they can go ahead and do it for around \$50,000. He said that a number of the council members has talked to him in the last couple of months and have kind of made this a pet project because they feel that we have an incompleted project by having the softball fields in but not having lights for them, so they would like for him to go ahead and put in a request for this money, but the time element is the problem and it has been suggested by several of the council members, with the Commissioners permission, to go ahead and transfer that money from another account in order to allow them to go ahead with this project and to come back to council the following month for an appropriation, so even though he isn't on the Council's agenda this Wednesday, he would like the approval of the Commissioners to go before Council.

Commissioner Willner said he has been working with Mark and we probably have two of the most beautiful ball diamonds in Vanderburgh County and lighting the fields isn't going to be a big income for us but it will bring people to Burdette Park and it will also help the batting cages on which we get a percentage, and at one point in our dealings with the owners of the batting cages, we kind of gave him the impression that we would do everything we could for the lighted ball fields which would help his business, so he thinks we should do everything the Council wants us to do to assure that we get the lighting for those two fields.

Commissioner Cox said she agrees, that she would very much have liked for them to have been lit up from the day they were put in but you have to walk before you can run.

Commissioner Borries said it will greatly ease the pressure on a lot of the other fields that are used, since if you look at the number one participant sport in the summer, it would have to be softball and many of the other fields in the community are used to a tremendous extent and these are excellent fields at the park and we have always proceeded on that, but obviously there is always a limited amount of money, so we would echo all the comments favorably to it, support it and hope that the Council will be able to see fit to fund it so maybe we can get the lights in place yet this year.

He asked Mark when they will start enrolling the leagues for the summer.

Mark said he thinks they have their first meeting this Wednesday night in regard to the rules and regulations, but he understands that the fifteen game leagues start about mid April, that he has Bill Matthews from Musco Lighting coming from Indianapolis this Wednesday morning, so he is confident that if Council transfers the money and they get the specs done and the bidding procedure started, it shouldn't take much time to get them in place.

Commissioner Willner moved that this request be placed on Council call. Commissioner Cox seconded the motion. So ordered.

Commissioner Borries wished Mark every success in getting this worked out.

Mark Tuley thanked the Commissioners and said he will be back next week with his financial statement and he should also have a proposal from Bill Harrison and Associates on his Master Development Plan. PWA

RE: KIM BITZ - VANDERBURGH AUDITORIUM

Mr. Bitz said at the last meeting of the Advisory Board he took to them a proposal for running advertisements for birthdays and anniversaries on the marquee as a way to produce income to offset the electric bills, that they were very agreeable to that so he is most willing to put them up there, and he also said that a fee of \$10.00 for one day would be a reasonable fee and the message will run once approximately every three minutes.

Commissioner Willner moved that the request of Mr. Bitz be approved. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox asked Mr. Bitz if we are out of business with the other advertising firm now.

Mr. Bitz said yes, that the percentages they were making on their advertising sales didn't even add up to \$200.00 per year, that it was very minimal and he believes that once they start advertising birthdays, etc., that they will probably get about \$100.00 per month income from it and it will take up less of the marquee time than was taken away by the advertising contracts.

Mr. Bitz then submitted the schedule of events that will be held at the Vanderburgh Auditorium in March and April. He said he would like to point out a bit of good news, that starting with March 7 and running to April 6, they are booked solid for that entire period and there are many days that both rooms at the Auditorium are occupied at the same time.

Commissioner Cox asked Mr. Bitz if he is still sending a copy of this to the Building Commission, and Mr. Bitz said that he is.

Commissioner Borries said that the lobby, the location of the office and the Visitor and Convention offices are really nice, that when he went to the Philharmonic, they were on the second level and the renovation of the rooms up there are very nice, and he asked Mr. Bitz if they are surviving the mechanized gates on the parking lot.

Mr. Bitz said, so far they are working okay but every time they barely mention something out loud, something happens to them.

Commissioner Borries said he had a thought, that he isn't asking the Commissioners to consider it, but someone that worked with the City Traffic Department talked to him and said there are a number of trials where people have to be involved in very late at night and they were sometimes concerned as to where they have to park since they couldn't get easy access to the building and wondered if there was some way, through a token or something, that could be worked out for those people selected to serve on a jury trial, so they could park at the auditorium which would shorten the distance they would have to walk, so this is an item to consider and maybe we can work something out.

Mr. Bitz said whatever they want to work out, he will take care of it.

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller said the only report he has to make this week grows out of the proposal that he made which was accepted approximately three weeks ago, regarding the county's interest in recouping any monies they may alternately prove to be shortages that the county is entitled to recover due to either negligence or improper operations in the Treasurer's office.

He said after receiving the Commissioners authority to investigate the advisability and probable potential recoveries in filing a lawsuit, it didn't take very long for him to find out that a couple of years ago, right after the State Board of Accounts audit was released, someone at the Indiana Attorney General's office saw fit, without having much discussion with us, in going ahead and filing action on behalf of Vanderburgh County themselves and that lawsuit was filed in Vanderburgh Circuit Court against Mr. Volpe and certain bonding companies. He said they have taken steps analyzing what has happened in that lawsuit, that not much has happened in the past year and a half and they have had some discussions with the Attorney General's office and those who have responsibility for the suit, who have encouraged that they take an active role in the action, both because the belief is that we would have access to more and quicker discovery and information on evidence than they might have from Indianapolis and also because their staff people who are involved in this action are covered up with lawsuits of various kinds and while they do not propose to withdraw from the action, they acknowledge that any money that is recovered is Vanderburgh County's money and that Vanderburgh County should take an active role and if possible, to lead in attempting in bringing these lawsuits forward. He said that based upon their cursory analysis of the case, as it stands, and the bonds that provide the real potential for recovery, he believes that this county would be well served by taking an active role, so at this point, it is his recommendation that the Commissioners authorize him to do this, that the benefits to the county will be more readily forthcoming if there is someone who answers directly to the Commissioners as the administrators and therefore the primary governmental beneficiaries of this lawsuit and he thinks it would be inadvisable to let someone in Indianapolis to run the show, so to speak, so this is his recommendation.

Commissioner Willner moved that Attorney Miller's recommendation be approved. Commissioner Cox seconded the motion. So ordered.

Attorney Miller said on this basis, his firm will enter an appearance on behalf of the county and work closely with the Attorney General and he will try to give the Commissioners regular reports on the progress being made.

Commissioner Cox said she has a question for Attorney Miller which concerns a suit that was filed against the County Commissioners regarding a rezoning of property out on Highway 66 at the corner of Mesker Park Drive and Diamond Avenue or Highway 66 in which we denied a request for a commercial rezoning and the parties appealed in the form of a suit and the Judge ruled in favor of the parties and against the Board of Commissioners and granted these people a C-4 zoning. She asked if there is any recourse.

Attorney Miller said there is recourse in the form of an appeal to the Indiana Court of Appeals. He said in the past it has been their practice, in order not to double up on the legal expenses that the county incurs, to permit the attorney for the Area Plan Commission who deals in that particular

field regularly to defend those actions and they are simply monitored by the County Attorney who offers any particular help that is requested. He said he understands that the attorney for Area Plan handles not only county rezoning lawsuit appeals in that manner but he does so for areas of ground in the city but he can get for the Commissioners, and will if they request it, a written report from Mr. Wallace who handled the case from beginning to end, that most of the cases are decided on motion for summary judgment because the basis of the claim by the claimant and the basis of the county's position are all summarized and set forth in the minutes and recordings of the occurrences at the meeting and it is very unusual for any testimony to be offered, that it is simply a legal argument as to whether or not the Board of Commissioners and the Area Plan Commission acted in accordance with the law, that he didn't take an active part in this case but he can get a report and a recommendation on it if the Commissioners so wish.

Commissioner Cox said she thinks we should have it so it can be read into the minutes.

Commissioner Willner asked who the Judge was in this case.

Attorney Miller said he will guess and say that it was Judge Brune, but he isn't sure.

Commissioner Cox said she asked Area Plan about it and they said they had received no written formal court ordinance or anything telling them to make it a commercial zoning, that the names in that case was Sam and June Angel.

Attorney Miller said he will have Mr. Wallace send the letter directly to the three Commissioners.

RE: BILL BETHEL - COUNTY HIGHWAY SUPERINTENDENT - WEEKLY REPORT

Mr. Bethel distributed copies of his weekly report to the Commissioners for the employees at the County Garage for the period of February 16, 1987 thru February 20, 1987...Report received and filed. Attached to the Work Report was the following work schedule:

SNOW REMOVAL: Monday, Tuesday, Wednesday

GRADALL: Emge Road

PATCH CREW: Old 460, Old State Road, Darmstadt Road

GRADER: Old Henderson Road Bottoms, Sensmeier Road

TRASH CREW: Garage, South Weinbach, River Road, Lynn Road and Old Green River Rd.

TREE CREW: Koring Road

Weekly Report/Bridge Crew : Also submitted for the same period was the weekly report for the Bridge Crew.....Report received and filed.

Salted and sanded bridges in all sections of Vanderburgh County and in the city.

Put 53's on Culvert that was sinking on Seminary and Cypress-Dale Roads

Rip-rapped two locations on Darmstadt Road

Rocked and rolled #53's on Bender Road

Rocked and rolled #53's on Baseline Road

Installed extension on pipe on Orchard Road

Make cut across Darmstadt Road to install new culvert

Weekly Absentee Report: Also submitted for the same period were the Weekly Absentee Reports for the Bridge Crew and employees at the County Garage.... Reports received and filed.

Commissioner Cox said she would like to thank Mr. Bethel and the Bridge Crew for doing the work on the bridges. - BRIDGE #

BR

RE: ANDY EASLEY.....COUNTY HIGHWAY ENGINEER

CLAIM: Mr. Easley submitted a claim from Bernardin Lochmueller & Associates for the work they completed on the Boonville-New Harmony Road Extension design for the period of December 1, 1986 to January 31, 1987 in the amount of \$1,501.95, that it is in accordance with the agreement and he recommends it be paid.

Commissioner Cox moved that the claim be allowed in the amount of \$1,501.95. Commissioner Borries seconded the motion. So ordered.

Commissioner Borries said it seems that this project is moving along rather smoothly and he asked Mr. Easley if this is correct.

Mr. Easley said that it is and he believes that a couple of weeks ago he gave the Commissioners a progress chart that shows that within a few weeks they should have the Right-of-Way legal description and sketches to where they will be in a position to select a purchaser of the Right-of-Way and the appraisers, and he asked the Commissioners if they would like to select them at this time, since he doesn't think there will be that many parcels so they will only need to name one purchaser and one appraiser, that he thinks there are only five property owners involved.

Commissioner Borries suggested that the Commissioners wait one week to name the purchaser and appraiser, since this will give them time to think about it.

RE: REQUEST OF STREET ACCEPTANCE

Mr. Easley said the next item he has is a Street Acceptance for streets in Greenbriar Hills Sections 1 & 2 which is off Old Petersburg Road just west of Old Petersburg Place, which reads as follows:

Dear Mr. Borries:

The undersigned has made an inspection of subject street improvements on January 6, 1987. These street improvements were constructed during the summer of 1986.

All streets are paved with six (6) inches of Portland Cement Concrete and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 29 foot wide streets in subject subdivision:

Greendale Drive	630 LF
Pleasant View Drive	1300 LF
Green Hill Drive	250 LF
St. Clair Court	560 LF
Total	<hr/> 2740 LF

We are enclosing a sketch of the subdivision showing the completed streets.

It is recommended that the street improvements in the subdivision be accepted for maintenance.

If you have any questions, please call the undersigned.

Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

Mr. Easley said that he and Mr. Bethel looked at these roads on January 6, that they had looked at them previously and had some comments and he is now ready to recommend that they be accepted for maintenance by the county, that they are concrete with rolled curbs and all the storm drain inlets are in and the sub-dividers escrow agreement is up at the end of this month.

Commissioner Willner asked if we requested sidewalks for some of these streets.

Mr. Easley said he thinks the sidewalks are to be placed after the homes have been constructed.

Mr. Morley said they have a supplement with the home construction that causes problems with the concrete trucks so they are providing Area Plan Commission with a signed contract and they will either go with another escrow letter or a signed contract on the sidewalks and almost every house is under construction at the present time and it will probably be ready to work on in June.

Mr. Easley asked Mr. Morley if Mrs. Cunningham of Area Plan is happy with this, and Mr. Morley said yes that she is in agreement with either a contract or another escrow agreement for the sidewalks.

Mr. Easley said he will tell Mrs. Cunningham that the acceptance of the streets doesn't release the escrow agreement, so we will have to see that it is covered. He said we don't maintain sidewalks but they are to be put in and he will inspect for the installation and he has to be satisfied that they are installed and he can see the logic of doing it in phases after the houses are built.

After further discussion, the Commissioners decided to wait one week to act on this, so they have a chance to see them.

Commissioner Cox said she has made some observations and it is very difficult to have streets brought before the Commissioners at a meeting and just find out shortly before the meeting that they are coming up for approval, so if they had a little more time from the time the letter comes in for acceptance, so they have to act at a meeting.

Mr. Easley said that in the future he will give the Commissioners possibly two weeks warning when one is coming up.

Commissioner Cox said that sure would help but she thinks they should come up with a specific procedure for inspections of subdivisions and of drainage plans to make sure that they have been complied to before they have any more street acceptance requests.

The Commissioners agreed that this street acceptance request be delayed for one week.

RE: 1987 ROAD PAVEMENT OVERLAY PROGRAM

Mr. Easley said that he and Mr. Bethel have prepared a 1987 Road Resurfacing Program and he asked if the Commissioners want it now or if he should wait until this evening and give it to them at the special meeting on County roads.

Commissioner Borries said that Mr. Easley can submit it now and the Commissioners will have a little time to look it over before the meeting this evening.

Mr. Easley submitted the following letter to the Commissioners concerning the 1987 Road Pavement Overlay Program for Vanderburgh County Highway System:

Dear Commissioners:

Enclosed are copies of a list of the roads and streets that have been selected to be repaved in the 1987 Road Pavement Overlay Program for the Vanderburgh County Highway System.

The roads and streets on the list were selected for repaving after inspecting and evaluating the general condition of all roads in the County Highway System.

The County Highway Department Personnel have performed visual inspections of the roads to detect deficiencies in the condition of the pavement. The pavement condition inspections are looking for surface cracking, reveling, rutting, patching and ride quality defects.

The deficiencies in the surface of the road and the traffic volume for the road have been used to determine priority.

The summary list contains data on the length and width of the road and the thickness of the asphalt overlay proposed. The quantity of asphalt material has been computed and the estimated cost is shown. The total cost for the 1987 Pavement Program has been calculated.

In conjunction with the overlay program, the County Highway Department is planning base repair and major patching, shoulder grading and ditch cleaning and excavation. The Highway Department is also planning to perform or have performed preventive treatment work such as crack sealing, patching of potholes and broken areas, fog seals and slurry seals.

Very Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

RE: COMMENTS ON DESIGN FOR CUL-DE-SAC IN INDIAN WOODS, PUD

Mr. Easley said that Bill Jagoe and Jim Morley wants to comment on design for a cul-de-sac in Indian Woods P.U.D. and it is on Windsong.

Mr. Morley said that in the P.U.D. Mr. Jagoe is building 0 lot line homes, that they are very narrow lots and on the cul-de-sac he is asking for permission to modify the normal pie-shaped lot at the end of a cul-de-sac. He said this subdivision has been approved with lots of this size but he is requesting permission to modify it, and before he files a petition to replat this, he wants to know if such an arrangement would be allowed by the Commissioners.

Mr. Easley said this would create a flag lot or a hammer head arrangement and this would be a large cul-de-sac, that it could all be paved with concrete or they could put a planter in the middle, that they have requested to make it a combination planter and a combination paved area and have four parking places there.

Mr. Morley said the advantage of that is to make the circle bigger and keep the parking on the inside rather than outside of it so it will make traffic flow more easily.

Mr. Easley said he thinks it will be more attractive than to have a large paved cul-de-sac if he can assure us that we don't have any landscape maintenance and Mr. Jagoe said he will do this with a covenant on the adjacent lots.

Mr. Jagoe then said this is correct and he then submitted a drawing and explained what he plans to do.

After further discussion, Commissioner Borries said he would say to go ahead with this tentative plan but he would like for them to work with the Evansville Urban Transportation officials so we can get a finalized traffic plan down to understand his proposal on how the traffic plan will work, to which Mr. Jagoe agreed.

RE: PROPOSALS FOR ENGINEERING SERVICES

Commissioner Borries said he knew that Rose Zigenfus of E.U.T.S. had reviewed the proposals received last week for engineering services for 1. Green River Road from Morgan Avenue to Heckel Road and 2. Orchard Road Bridge and he asked her if she would want to summarize what she has done.

Ms. Zigenfus said that the consultant committee met and they evaluated all seven proposals for these projects and following the review and based on the criteria they are going to establish, the committee is ready to recommend the following; Fink, Roberts & Petrie, Beach Nicholson Griggs & Associates and United Consulting Engineers.

Commissioner Borries asked if there were any comments here and if they could set up a time to meet with these firms and talk to them in terms of the scope of the projects and also on the cost of the projects. He said if it is agreeable with the other Commissioners he would suggest this Friday afternoon, since it would be the best time for him. The other Commissioners agreed to meet this Friday at 2:30 p.m. and to spend one-half hour with each firm. He then asked Mr. Easley or Ms. Zigenfus to contact these three firms.

RE: HARMONY WAY

Commissioner Borries then asked about the item on Harmony Way. He asked Mr. Easley if he has had a chance to look at it, since he needs to make a decision on it, that the address is 29 Harmony Way. *AW*

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Mr. Easley said he will check it out and report back.

RE: CERTIFICATES OF INSURANCE

A Certificate of Insurance was submitted by Jans School of Dance for a dance recital at the Vanderburgh Auditorium to be held on June 5 and 6, 1987

A Certificate of Insurance was submitted by Spring House Associates, Inc. for a theatrical performance of the Bill Gaither Trio at the Vanderburgh Auditorium on March 2, 1987.

Certificates of Insurance received and filed.

RE: TAX TITLE DEED

A tax Title Deed to the County was submitted and is to be declared as surplus and advertised.

Commissioner Borries stated that this property is to be sold in 1987, that the description of this property is Lots 33 and 34 in Block 2, Goodsell's Enlargement in the City of Evansville.

Commissioner Willner moved that this property be declared as surplus and that it be advertised four times in both Evansville newspapers, for sale. Commissioner Cox seconded the motion. So ordered.

RE: COMMENTS ON MEETING ATTENDED

Commissioner Borries said that last week he attended the meeting of the Southwestern Region of County Commissioners and they appointed Keith Shelton as District President for 1987.

He said there are a number of bills that are involved with the legislature that will impact in our county and others, so they will keep us informed on the status of these bills.

RE: MEETINGS SCHEDULED AT THIS TIME

Commissioner Borries said that the meetings scheduled are as follows:

Public Meeting on county roads this evening at 7 p.m. here in our meeting room.
County Council Finance Meeting on Wednesday, February 25 at 2:30 p.m. in Rm. 303
Evansville Urban Transportatin Meeting tomorrow at 4:15 p.m. Room 307

RE: EMPLOYMENT CHANGES - APPOINTMENTS

COUNTY HIGHWAY DEPARTMENT

Larry Phillips	1718 S. Bedford Ave	Truck Driver	\$8.39 Hr.	Eff: 2/13/87
Darryl Chamberlain	3209 Hillcrest Terr.	Equip. Opr.	\$8.58 Hr.	Eff: 2/13/87
Freddie Blair	3512 E. Riverside Dr.	Lead Mechanic	\$9.20 Hr.	Eff: 2/13/87
Sidney Brown	1423 Judson St.	Foreman	\$18,366.00 Yr.	Eff: 2/6/87
Charles A. Sumner	1315 Marshall	Mechanic	\$8.58 Hr.	Eff: 2/6/87
Sam Robinson	1510 S.E. Riverside	Greaseman	\$8.40 Hr.	Eff: 2/6/87

BURDETTE PARK

Mark Walker	2904 Carolina Ave. Pt. Time Ground Crew	\$4.35 Hr.	Eff: 2/4/87
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APPOINTMENTS - CONTINUED

CIRCUIT COURT

James B. Nicol	316 S. Weinbach Ave.	PT Bailiff	\$4.00 Hr.	Eff: 2/16/87
Jon K. Aarstad	1188 S. Weinbach Ave.	PT Safe House	\$5.00 Hr.	Eff: 2/9/87
Laura M. Fleener	R.1 Poseyville, Box 58	PT Intern	\$3.35 Hr.	Eff: 2/10/87

RE: EMPLOYMENT CHANGES - RELEASES

COUNTY HIGHWAY DEPARTMENT

Freddie Blair	3512 E. Riverside Dr.	Truck Dr.	\$8.39 Hr.	Eff: 2/13/87
Larry Phillips	1718 S. Bedford	Equip. Opr.	\$8.58 Hr.	Eff: 1/13/87
Darryl Chamberlain	3209 Hillcrest Terr.	Lead Mechanic	\$9.20 Hr.	Eff: 2/13/87
Sidney Brown	1423 Judson St.	Mechanic	\$8.58 Hr.	Eff: 2/6/87
Charles A. Sumner	1315 Marshall Ave.	Greaseman	\$8.40 Hr.	Eff: 2/6/87
Sam Robinson	1510 S.E. Riverside	Tool Crib Clk.	\$8.40 Hr.	Eff: 2/6/87

BURDETTE PARK

Mark Walker	2904 Carolina	Pt. Time Ground Crew	\$4.00 Hr.	Eff: 2/4/87
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CIRUCIT COURT

James B. Nicol	1909 Pueblo Pass	Work Release Off.	\$15,750 Yr.	Eff: 2/16/87
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There being no further business to come before the Board at this time,
Commissioner Borries declared the meeting recessed at 4:15 p.m.

PRESENT: COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

DEPUTY AUDITOR

Cindy Mayo

COUNTY ATTORNEY

David Miller

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

E.U.T.S.

Rose Zigenfus

OTHER

Jim Morley
Bill Jagoe
News Media

AREA PLAN

Barbara Cunningham

AUDITORIUM

Kim Bitz

BURDETTE PARK

Mark Tuley

COMMUNITY ACTION

Alice Weathers

FOUR RIVERS RC & D COUNCIL

Steve Hamilton
Elvis Douglas

SECRETARY: Joanne A. Matthews

(Transcribed by Margie Meeks)

Richard J. Borries, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS
PUBLIC HEARING - COUNTY ROADS
FEBRUARY 23, 1987

The Vanderburgh County Board of Commissioners met in a special session at 7:00 p.m. on Monday, February 23, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding. The purpose of said session was to conduct a Public Hearing concerning County roads.

President Borries called the meeting to order and extended a welcome to the audience, which included some members of the County Council. He said he believes it is a very healthy sign to have so many residents of the county present tonight to express their interest. The Board of Commissioners certainly wants to hear their feelings concerning the needs and goals for repaving of the county roads in 1987. Commissioner Borries then proceeded to introduce himself (President of the Commission for 1987) and Commissioners Shirley Jean Cox and Robert Willner. He said the Commissioners wanted to hold this hearing because they felt it was very important for the residents to be involved in the road planning program for 1987 and for the Commission to have their input.

Councilmen Harold Elliott and William Taylor were recognized by the Chair.

Commissioner Borries said that Mr. Jim Lindenschmidt, Executive Assistant to the Commission, has copies of the 1987 Proposal for the Road Pavement Overlay Program for Vanderburgh County Highway Department. He is not certain there are sufficient copies for all those in attendance. Wherever there are families involved, if they could share copies it would be helpful.

To move things along, he would ask County Engineer Andy Easley and County Highway Superintendent Bill Bethel to give their proposals at this point on roads they have identified that need attention in 1987. Secondly, (and this might have to be done row by row) he would ask the attendees who wish to make statements and express their feelings about roads and goals for 1987 to state their name and address for the record. He then called upon Messrs. Easley and Bethel to present their proposal at this time concerning roads which need attention this year.

Mr. Easley said that after duly considering all the roads in the county of which they are aware and looking carefully at the surface cracking, rutting, patching, quality defects, etc., and considering the volume of traffic on each road and its ability to withstand another severe winter, he and Mr. Bethel compiled the list which has been distributed. They paid attention to the main thoroughfares. The list has been divided into two sections: The minor roads which would be paved with County forces; and the second sheet contains road projects which would be contracted to outside firms. So the report is already broken down into the two divisions. There is a 10.8 mile stretch of the Boonville-New Harmony Rd. which is considered a major east-west traffic corridor; that will cost \$350,000 to resurface with 1-1/2 inches of hot-mix. Upper Mt. Vernon Rd. on the west side is almost a five (5) mile stretch which will cost \$154,000. Darmstadt Rd. is in need of an overlay this year and this will cost almost over \$100,000. The Old Princeton Rd. from Darmstadt Rd. to the County Line will cost \$148,000. Old State Rd. (which is another north-south route) is 6.6 miles in length and will require \$216,000 worth of material to resurface it.

With regard to the smaller roads listed on the front sheet,

logistically it is harder to support and more expensive to have done by contract. He and Mr. Bethel agreed to do these roads with County forces. Some of them are as short as 0.2 miles. He thinks Mr. Bethel may have one or two other roads which have been brought to his attention since the subject list was printed.

Mr. Bethel said the following will also be added to the list: Rose Avenue, Heather Court and Fischer Rd.

Mr. Easley said the bottom line on the subject list (which was prepared February 17th) would require funds in the amount of \$1.6 million. He believes we had \$1.5 million last year.

Councilman Elliott commented that it was \$1.5 million and they added another \$400,000 or so.

Mr. Easley said we had a very good program last year. We paved everything on the April and June lists. We've had a relatively mild winter. If we can have another mild winter and a program in 1988 equal to what we've done the last two years, we should be in very fine shape in the county.

Councilman Elliott queried Mr. Easley concerning Burkhardt Rd. north of Morgan Avenue, asking if that is to be done by a contractor?

Mr. Easley said he thinks the Commissioners have adopted a policy that, if at all possible, we're going to try to hold off making any major improvements to those roads around I-164, because they will just be beat up. We may have to do some skim patching; we may have to do a drag course here and there; but as far as a final resurface, until they have that highway constructed they are hauling aggregates and materials. It is too bad the State doesn't have some program to reimburse the counties for damage to rural roads while they are in the process of building a major highway. He doesn't think there is anything in their program to do that.

Commissioner Cox asked for clarification purposes, "Mr. Bethel, which Fisher Rd.? I think we have two. (Fisher and Fischer)"

Mr. Bethel said we put the base coat down last fall and we now need to put down a one (1) inch top on Fischer Rd. from Kuebler Rd. to Orchard Rd.

Commissioner Borries said, again, some of these roads may address some of the concerns of those in the audience. At this time, the Commission would like to hear from the audience. If there are those in the first row who would like to speak, the Commission would like to hear from them at this time. He asked again that individuals state their name and address.

The Chair recognized Mr. Felix Lowe, who stated he represents the West Side Improvement Association. "The first thing I'd like to know here is why the west side isn't included on this deal? We only have one -- Upper Mt. Vernon Rd. and Miller Rd., which is a short little Rd. off Hogue Rd."

Mr. Easley interjected that Mesker Park Drive is included.

Mr. Lowe said, "Yes, that's a little short one. Also, you're talking about a patch job on Fischer Rd. You had a patch job last year on Middle Mt. Vernon Rd. from Highway 62 to the County Line. How come it is not included on the list for resurfacing? The county just did a patch job on it and never did go back and resurface it. It was listed to be resurfaced last year and they cut off with a patch job from Highway 62 on. It was resurfaced from Jobe's Lane to Highway 62 and patched from Highway 62 to the County Line."

Mr. Easley responded, "We show last year that Middle Mt. Vernon Rd. from Jobe's Lane to County Line Rd. less 3.3 miles."

Mr. Lowe said, "But go check it."

Mr. Easley said, "It was resurfaced."

Mr. Lowe contended that it was not resurfaced. "You only had a resurface job from Jobe's Lane to Highway 62. From Highway 62 to the County Line Rd. it was only patched. Come out there and I'll show you. Also, there is one I suggested last year (Upper Mt. Vernon Rd. and Denzer Rd.). I think one of the Commissioners drew a prize out at the 4-H Center the other day. Well, they must have known he was going to figure going out on Denzer Rd. or out in that area, because when he got back he'd need a front end alignment!"

Mr. Bethel commented, "You make a good speech."

Continuing, Mr. Lowe said, "The West Side Improvement Association has a list of them and I gave a copy to the Commissioners. Finish Middle Mt. Vernon Rd., Upper Mt. Vernon Rd., Denzer Rd., Diefenbach, and Marx Rd. Little Schaeffer needs repair. Schmuck Rd. needs patching; Mels Drive needs patching; Agathon Drive needs patching; Sheridan Rd. is a short road out here off St. Joe Avenue about five (5) blocks north of Allen's Lane. I got a call about that road today; the lady said it needs repair badly. It's been 12 or 14 years since anything has been done to it. North Red Bank Rd. at the Highway 62 intersection needs patching."

Councilman Elliott said that Marx Rd. is in bad shape. Mr. Lowe has brought up the subject of patching. The list distributed contains roads to be repaved. There will be a lot of patching done in addition to the repaving.

Mr. Lowe said, "These roads here need paving: Denzer Rd., Diefenbach, Marx, Upper Mt. Vernon and Middle Mt. Vernon."

Mr. Easley commented that, "Upper Mt. Vernon 5.0 miles is included on the list."

Mr. Lowe said, "With regard to Upper Mt. Vernon Rd., I kind of disagree with that, because Upper Mt. Vernon Rd. is not any longer than Hogue Rd. is from the city limits. From the city limits on Upper Mt. Vernon Rd. to the County Line he doesn't believe is much longer than Hogue Rd. was that was resurfaced last year, because Hogue goes straight out almost parallel and then it makes a turn and goes north. So he doesn't think there is anymore on Upper Mt. Vernon Rd. to be patched than there was on Hogue Rd. last year. He doesn't think there is much over 3.0 miles.

Commissioner Borries thanked Mr. Lowe for his comments.

The meeting proceeded with the Chair recognizing Mr. Donald Moffett, who stated he lives at 9151 Moffett Lane. He is here to request assistance in getting Moffett Lane paved. It currently is a gravel road -- approximately 0.3 miles long. In the winter they are faced with mud and pot holes; in the summer they have dense clouds of dust. It is impossible to keep vehicles clean or the kids clean as they go back and forth to the school bus. There are nine (9) children who live on this lane and he has a petition signed by every resident on Moffett Lane asking for help. In response to query from Commissioner Borries, Mr. Moffett said Moffett Lane is in McCutchanville and runs south off Kansas Rd.

Commissioner Borries asked if this is a county-accepted road?

Mr. Moffett responded, "It is."

Mrs. Cox reiterated, "Yes, it is."

President Borries requested that the record reflect that Mr. Moffett submitted the petition signed by the fifteen (15) residents on Moffett Lane. He then thanked Mr. Moffett for his comments.

The Chair then recognized Mr. Virgil Whaley. He said he is interested in Green River Rd. from Daylight, IN north to Petersburg Rd. It is a 1.3 mile stretch. He doesn't believe it has been repaved for at least 12 or 14 years. There are two sections which are especially bad; they have been patched and repatched. The patching doesn't hold. In fact, there are six (6) inch pot holes out there now. Ditching on the west side of the road would help at one point, because the water stands under it because the patchings pop off. There is a lot of traffic on that road, including quite a few trucks. The original paving job was very good; but after at least 12 or 14 years it has about had its day. His question is, "Is this road on the list?"

Commissioner Willner said, "No, but it will be."

President Borries asked that Mr. Whaley repeat the exact boundaries again.

Mr. Whaley said Green River Rd. from Highway 57 north to Petersburg Rd. It is about 1.3 miles.

President Borries expressed appreciation to Mr. Whaley for his comments.

The next individual to be recognized by the Chair was Mr. Dick Lythgoe. He said he had been selected by the George Terrace Association because of his humble good nature, etc., to come out and talk to the Board tonight about Maple Lane and Cherry Lane. Maple Lane and Cherry Lane is a school bus route. They have several school buses that have to get through there. It is an uphill-downhill situation. Recently the Water Department lost the section in the hill on Maple Lane. A considerable section washed out and it is in real bad shape. The whole circle on Maple Lane and Cherry Lane comes into Whetstone Rd. Whetstone Rd. was paved last year. They were disappointed that they didn't go the extra 1-1/4 miles, but he guesses they ran out of funds. They have had patching, but they haven't had a new road for almost twenty (20) years. The road is turning to gravel, especially in those areas where the water utility lost a main. It is not as bad as Evans Avenue or anything like that, but it is in bad shape. The residents respectfully ask the Board to give consideration to Maple Lane and Cherry Lane in the George Terrace Subdivision, which was developed about a quarter century ago. It is a three-stage development and they did have a paving a couple of dozen years ago. Since that time it has been patched. As he said, it is now turning to gravel. They have a number of school buses and there are chuck holes. It is not a black area -- it has some dirt underneath it.

Commissioner Borries queried Mr. Lythgoe as to what happened with regard to the Water Department?

Mr. Lythgoe responded that the Water Department lost a main in the Maple Lane area, where the Lane takes a turn to go into Cherry Lane. That main caused quite a bit of washout. It took them a couple of days to fix it and now they have barricades up and mud. Instead of just patching where the main went out, the residents feel it is time to repave the road. It is a very short, inexpensive little matter for the County's budget and they'd like the Board to give the matter a lot of consideration.

President Borries thanked Mr. Lythgoe for his comments.

The Chair then recognized Messrs. Ronald Jim Mueller, who was accompanied by Mr. Robert R. C. Miller. Both parties reside on Marlene Drive.

Mr. Mueller said he put in Marlene Drive twenty (20) years ago. Other than just a few patch jobs, nothing has been done to Marlene Drive and they feel now is the time for this street to have some attention -- and they'd appreciate it very much. Marlene Drive is about 1/3 mile in distance and there are fourteen (14) homes.

Mr. Miller introduced himself and said that when Mr. Mueller built the road twenty (20) years ago, it was named after his daughter -- that is where it got the name Marlene Drive. Mr. Miller said he also resides on Marlene Drive and all of the residents of Marlene Drive are here tonight one hundred percent behind this. Hopefully, the Board will give consideration to including the resurfacing of Marlene Drive in this year's budget.

Mr. Mueller indicated he has the names of the residents on Marlene Drive. Commissioner Borries accepted the list from Mr. Mueller and expressed appreciation to Messrs. Mueller and Miller for their attendance and comments.

The Chair next recognized Mr. Mike Roberts, who stated he resides at 416 Red Bud Lane in Evergreen Acres Subdivision on the north side of Evansville. He would like to start by complimenting the County Commissioners and the County Council for the repaving of Evergreen Acres Subdivision last year. They had a lot of problems and he believes these two governmental bodies helped alleviate a lot of these problems.

He came here this evening to speak concerning several roads. He notes that several of these are already on the list. Evergreen Rd., in particular, is bad at Darmstadt. Old State and Darmstadt Rd. (as Commissioner Willner and some others know) has some particular problems. Mr. Roberts said he would like to suggest that the Board give some consideration to Mr. Pleasant Rd. from Old State Rd. to U.S. Highway 41. Mt. Pleasant Rd. (just near the intersection of Old State Rd.) has some dangerous, narrow stretches. It is not a road that has a lot of holes in it at the present time. But it is narrow and he thinks we need to consider doing some work on that road. He would also like to comment that he has noticed on some roads (especially Evergreen near the intersection with Darmstadt Rd.) that we have some drainage problems. He thinks this is part of the reason we have problems with the roads. If we don't correct some of these drainage problems, then he believes we will continue to have these problems with the roads. As a history teacher with Commissioner Borries here, he would like to remind the Commissioners that the Romans and many others in our society have built roads that have lasted for a thousand years or longer. One of the reasons these roads lasted for so long is because they were well built and they were built with several layers and had good drainage. I think we need to do the same thing with our roads here. "I would like to compliment you; I think you have a good list here, but I would like to suggest that you add Mt. Pleasant Rd. to the list and that you do the best you can."

President Borries thanked Mr. Roberts for his comments.

The meeting proceeded with President Borries recognizing Mr. Tim Euler of 4710 N. County Line Rd. He said he wants to re-emphasize Mr. Lowe's statements concerning Denzer and Marx Roads. They are atrocious and there is an unbelievable amount of traffic that comes through there. He knows a lot of it is from Posey County, but it always makes a difference on our county (Vanderburgh County). "I wish you would just go out there and drive on it once, because it is unbelievable. I appreciate your time. Thank you."

Commissioner Borries queried Mr. Euler concerning the distance of the area.

Mr. Euler said it is about 2-1/2 miles. Marx Rd. is about three to four (3-4) miles. But, again, it is unbelievable out there. It really is. "You wouldn't believe the traffic we have out there and it's all coming from Posey County -- but it's still part of the Vanderburgh County roads, so I would appreciate your emphasizing that."

Commissioner Borries thanked Mr. Euler for his comments.

The Chair recognized Mr. David Callis, who said he resides at 101 N. Fisher Rd. He thinks there are about three Fisher Roads in the county. This particular Fisher Rd. is about 1/4 mile west of the 84 Lumber Company. Back in about 1972, that road was paved a length of about 1/4 mile. Since that time, approximately 2/3 of the road has gone back to gravel and dust. The main part of that road is soon to follow. Within the next year or so, that portion of the road will also be back to gravel. He has a couple of letters he'd like to submit to the Commissioners. (He will not take time to read them, as he knows their time is valuable.) But these letters come from the paper carrier and mail carrier and they will attest to the condition of that road. These letters are both also signed by the people who live on that road. The road is getting to be extremely bad and extremely dusty in the summertime. They would like to compliment the county, for on a couple of occasions they have come out to work with the gravel section of that road and have patched a couple of places. But those patches are soon going to be leaving. He wanted to bring this to the Commissioners' attention so that, hopefully, they will give consideration to resurfacing this approximate 1/4 mile section of Fisher Rd.

Commissioner Borries requested that the record indicate that Mr. Euler submitted the aforementioned letters for the Commissioners' records.

The Chair then recognized Mr. Bernard Baehl, who stated he resides on Baehl Rd. This road was blacktopped about 18 years ago twice -- part of it is blacktop, but it is fairly good in some places and in others, it isn't. They have been putting white rock on it. He's had three flat tires. That white rock will go right through those radial tires. They said that they were supposed to blacktop it in 1986. They first talked to them about doing it in 1985, then they said they were going to do it first thing in 1986. It is white rock. There are nine (9) people who live on that road and the buses go up and down. It is so dusty on that road that it is terrible. It is just like a lime truck driving around the house.

Commissioner Willner queried Mr. Baehl concerning the distance of the road.

Mr. Baehl said it is approximately two (2) miles long from S.R. 65 to Nisbet Station.

Mrs. Cox informed Mr. Baehl that this road was county-accepted in 1893, which was a long time ago.

The meeting proceeded with President Borries again recognizing Mr. Lowe.

Mr. Lowe said he has a question on the Boonville-New Harmony Rd. The road program says "County Line East to St. Wendel" is 10.8 for \$352,000.00. It is only about 0.8 miles from County Line to St. Wendel Rd."

Mr. Easley said it says County Line Road East to St. Wendel.

Commissioner Willner said, "Andy, you don't want to go to County Line, because that is going to be a new road. You want to stop at Green River Rd."

Commissioner Cox remarked, "That old section of Boonville-New Harmony from Green River on out is in bad, bad shape."

Commissioner Willner said, "All the traffic will go there until the new road is in place."

Mrs. Cox said, "Then we'd better be doing some repair work, because that isn't a road set up to take any kind of heavy traffic. It is very narrow and has trees right on the side of the road and it is very dangerous."

Mr. Lowe said, "It certainly doesn't need any resurfacing done as much as some of these other roads."

Mrs. Cox said that part of it has been resurfaced throughout the years.

Mr. Lowe said that even from Darmstadt across to St. Wendel isn't that bad.

Mrs. Cox said, "He is right; some of those sections aren't that bad."

Mr. Lowe said, "In my opinion, it certainly doesn't take priority over some of these other roads."

The Chair asked the Councilmen for their comments.

Councilman Elliott said he needs to drive all these roads and see them first. But he does agree totally with Mr. Lowe in regard to the Boonville-New Harmony Rd. A lot of that road is in very good shape.

Commissioner Willner said the part that is good is in the town of Darmstadt. The rest is probably worse.....it gets a new bridge, too.

Commissioner Borries said it is of real value to the Board for the residents to come and express their concerns. To give them some idea of how expensive a process this is, he would ask that Mr. Easley explain -- what happens in terms of hot mix asphalt. The hot mix, of course, is more expensive. It is made differently from the cold mix. But perhaps a mile of road in terms that Mr. Easley estimates and those kinds of things. Can he give the residents an idea of the cost of these items per mile?

Mr. Easley explained that the cost is included in the road program in the third column from the right. He has tried to keep from publishing the unit prices. But you don't have to be too smart to take the estimated cost and divide it by the number of tons to get a figure. Making an allowance for the oil that has to go down and the amount we have to use, this material alone cost the county (excluding labor and equipment) about \$25.00 per ton for paving. As can be seen, if they want thickness for paving, an inch overlay eighteen (18) feet wide (it depends on the thickness and the width)1-1/2 inches thick 22 ft. wide would take 1,065 tons per mile, which at 25 tons is a little over \$25,000 per mile. Every time you add a mile -- and he doesn't know whether to call this an ambitious program -- he is not sure exactly how much money is going to be available -- but a lot of these things came from the Wheel Tax money. People who had one realignment job, you must keep in mind the \$7.50 Wheel Tax helps greatly to keep the chuck holes out of these roads. When you're traveling down the Boonville-New Harmony Rd. at 50 mph, it is smooth and you do not notice the hairline cracks that are in it. Those of you familiar with Evergreen Rd., if you've seen it after the recent rain, and when the surface is allowed to dry you can see all these alligator cracks that have moisture in them. It is too late to try to seal those cracks. It needs to be resurfaced. We're hoping to keep our program going -- if we

can get the roads that have to be resurfaced ~~resurfaced~~, then maybe we could institute a seal-coating program for every five or six years and seal the tiny cracks and not have to use an inch or an inch and a half of asphalt. Some of these roads do not have an adequate base; he believes Evergreen is probably a good example. It is like a washboard in places. It has been patched and it is cracked and it carries a lot of traffic. People who use that road will, after it is resurfaced, appreciate the smooth ride. Again, we do have to go by the roads that carry a lot of traffic, that will save the most alignment jobs, and will do the most good. We try to get the worst ones first and be as cost effective as possible. He knows it is a matter of opinion as to which road is the most important -- and we try to be as objective as possible.

Commissioner Borries addressed Councilman Elliott saying, "Harold, in terms of funding, the chief source last year of the paving process came from Local Option monies; is that correct?"

Mr. Elliott said we started out with \$1 million and dug up another \$400,000.

Mrs. Cox said, "Then you gave us another \$72,000 toward the end of the list, as we weren't going to be able to complete the program."

Commissioner Borries said, "At this point, from our several motor vehicle funds that maintain and keep the highway department going not enough in terms of being able to use that to resurface the roads -- and that is where this Local Option and, of course, Wheel Tax money have just become critical in this whole process. The point was to again show you the tremendous amount of expense that there is when you're roughly dealing with \$25,000 per mile -- what the cost will be. Again, it is something that we know we have to do and we just cannot depend upon any federal monies that are used in any kind of process save for those that are used for new road construction. That, again, is another matter. Tonight we are here with regard to what you want to hear in terms of the roads that need to be repaved. Commissioner Borries then recognized Mr. Mueller. Mr. Mueller offered further comments, but because he did not approach the microphone they were inaudible.

Commissioner Cox said she has two questions for Mr. Easley. "Andy, simply for a point of clarification, on the list distributed today at our Commission Meeting and then again tonight to the people in attendance -- I don't really understand on the 2nd page "Major Roads to be Paved by Contract" -- No. 1, where it says "Old State Rd. Camp Ground Rd. to Baseline Rd." and that is so many miles. Then you come along and you give Old State Rd. from Camp Ground Rd. to Baseline Rd. again."

Mr. Easley said this is a typographical error. He's sorry he didn't catch that.

Mrs. Cox continued, saying the same thing holds true for No. 3, "Darmstadt Rd." -- the "from" and "to" are identical

Commissioner Willner interjected that this is because Darmstadt Rd. is in the center -- not in the center -- but there is 0.4 mile north of Darmstadt Rd. north of the city limits.

Commissioner Cox remarked, "Then it should say that. It should say from the Evansville City Limits to whatever it is and then pick up wherever it is, rather than to "ditto".

Mr. Easley said he did not give the road widths and he could go back and correct that. But in that distance, they have 3.3 miles that is 19 ft. wide and 3.2 miles where it is 22 ft. wide. He agrees this could be clarified.

Councilman Taylor said the approximate total number of miles introduced this evening is 9-1/2 miles. At the figure quoted by Mr. Easley, that is an additional \$250,000. That is approximately an additional increase just on your tax base -- just on your property tax -- of about four cents (\$.04).

Commissioner Cox said she is sorry she did not speak first, because she had a few roads to add to the list. She supposes the people who called her with their concerns couldn't make it to the meeting tonight. Some of them have been covered. But Bridgeview and Cliffwood Drive are both in subdivisions and they are in need of repaving. Autumn Lane (off Peerless Rd.) is somewhat similar to the rock-type road described earlier by Mr. Mueller. The county highway was certainly out there two or three times during the winter and again in the spring to put down more rock. It should have an excellent base on it. It probably has 5 ft. of rock down there somewhere. She received a call re Bixler Rd. in the northern part of the county. She also received a call about Meadowridge. *VIEW 19c*

Ashwood Drive, Clover Drive, Ridgewood Drive and Caranza Drive had patching last year. Those people were hoping they could get some resurfacing this year. None of these streets are very long -- they are just very short subdivision streets. Most of the major streets have been covered.

Councilman Taylor said the County Council is very interested and very willing to appropriate the necessary money needed to do these other roads. But we need to know what type of money we're talking about. This type of input will tell the Council whether or not the Wheel Tax is important.

Councilman Elliott said he had been going over last year's program and this year's program in his mind and wants to say that after we finish this year's program plus the other roads they've asked for, the county will be in pretty good shape and another two years would just about do it -- and we can very easily fund that in the next couple of years.

Commissioner Cox said, "Of those roads I mentioned, they total about one (1) mile.

"My only other comment is that with regard to our overall program, I feel very strongly (and Mr. Roberts brought it up in his presentation) about taking care of and maintaining the roads we have put down. I would like for Council to put aside (I know we don't have enough money budgeted) enough money to allow us to go back and take care of sealing those roads which were just resurfaced last year. I think it will give us a lot more wear and we should allot the monies to go ahead and do this. We haven't had a very bad winter and those roads have held up pretty fair -- and I think we should commit some of those funds for a sealing of those roads repaved last year.

"The other concern I want to express (because I received some calls from people who live out on St. George Rd., one of the first roads we resurfaced last year) is that we spent over \$60,000 resurfacing St. George Rd. last year. It wasn't even three (3) days after we finished that a utility company came and cut about a 3 ft. or 4 ft. swatch completely across the road. I would hope that we could have better communication with the utility companies (water department, SIGECO and on down the line) to tell them what roads we plan to repave and them, in turn, letting us know where they have planned utility cuts. If it means putting off repaving that road for three to four days, then I'd say do it to keep from having it recut. But I believe that we really need to dovetail all these operations a little bit better."

Commissioner Willner said he wants to thank everyone present for coming down to tonight's meeting. He appreciates the input and he appreciates the input of the Council members. Certainly, if Council gives us the money -- we will put the roads down, there's no question about that. "I think the roads we did last year held up very good. I think I looked at every one of them and I don't see a failure anywhere. Does anyone in the audience know where we had a failure of any of the roads we put down last year? Andy, do you know of any?"

Commissioner Cox said, "I think I probably received a letter re Fischer Rd., and it was explained tonight. In fact, there are three roads I see on our list this year that you're going back to put the top coat on (Heinlein, Fischer, Walnut Lane) -- all of those were re-done last year. But I did get a letter on Fischer."

Mr. Easley responded, "They had a binder course last year -- a drag course -- and they didn't get that one (1) inch of surface."

Mrs. Cox remarked, "Right, right."

Commissioner Willner said "I really believe that in another couple of years the roads in Vanderburgh County will be almost perfect, with the exception of the I-164 area. Again, we'll just not have to include those this year -- or until such time as we can keep those big trucks off them. But we'll keep those roads in as good a shape as we can and as soon as the heavy traffic is off of them we'll take care of them, too."

Councilman Elliott said he would like to add that there is about \$361,000.00 in the highway budget now for patching, etc. With regard to the sealing, he doesn't know what kind of money we're talking about.

Commissioner Cox said, "If we could get an estimate on how much it would cost to seal the roads which were repaved last year...Schutte Rd. was poly-sealed last year. She would really like to see it resurfaced next season anyway. It is in fairly decent shape from the sealing; it has held up very well."

Councilman Elliott asked whether it is practical to seal the heavily traveled major roads?

Mr. Easley said, "The type of sealing that some areas are doing is maybe 1/8 inch slurry seal, which will not restore a smoothness to a rough riding road. You have to catch it before it gets cracks in it which will cause a base failure. Most of what we did last year had to have a drag course, which meant we did the drag course to make it smooth."

Commissioner Willner remarked, "We wouldn't want to put that over the newly put down roads though."

Mr. Easley responded, "No, no; you wouldn't want to slurry seal until maybe seven (7) years into the program. Catch it when it starts cracking and then seal the cracks. There is a firm out of Cincinnati that does a lot of slurry-sealing in that area. But it hasn't quite caught on in Southern Indiana. A few years ago they did some up at Ft. Wayne. I think these older roads (like Evergreen Rd.), it wouldn't restore any smoothness to that. It would still jar all the bolts out of your car if you drove it for a very long period of time. In the future, if we can get a slurry seal program going, I truly think that if the road has a decent base -- slurry seal has one disadvantage, you need to stay off it for about four (4) hours. A lot of people would get claustrophobia if they couldn't leave their house for four (4) hours. That's going to be the big problem; someone is going to drive on it and then get it on their driveway and then they're going to be calling Bill Bethel's office."

Mrs. Cox said, "There are materials other than that to seal pavements. They're coming out with the laminated, silicone and different things like that. Schutte Rd. wasn't too bad the way they did that."

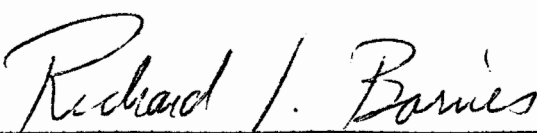
Mr. Easley said "That was crack sealing. Certainly 1/8 inch of some kind of an asphalt emulsion and sand is certainly a lot cheaper than an inch of hot mix asphalt. But it takes special equipment and no one in this area ever purchased any equipment and no one has tried to sell it to anyone in my opinion."

President Borries in conclusion said, "You have been most patient and I will be brief. I want to thank you for coming this evening. We will examine all the comments offered tonight. We hope that we were able to clarify many things for you. I can assure you that we will try and make every effort to include your roads on these lists. It is an expensive process that doesn't come about instantly. But we will make every effort in good faith to do what we can to obtain funding from the County Council. There are Council members here tonight who will be voting on including your roads and the cost for those. Oftentimes if we have bad weather or a rain-out, we're unable to work on a day-to-day basis. But we're talking, hopefully, from April through October when we can really get into this paving season. We know it is an expensive thing and we will drive these miles and examine these roads so we can come up with an accurate revised list for Council. We have initially started here with some 50.3 miles on the plan you saw tonight. With your input we will be adding to that list. I will certainly say that I'm not for any tax that you can't see down on the pavement and that is why we've had to have these Wheel Taxes and other User Fees to survive. This county, to its credit, has really bitten the bullet in the face of a lot of massive federal cutbacks. Right now the U. S. Congress still has not passed the Highway Bill. That has put several new major road projects in this community and all around the country in jeopardy from the standpoint of what we're able to expect. As our transportation planners have pointed out, even on the Lloyd Expressway past Vann Avenue, assuming that thing would be done tomorrow, you would have six (6) lanes completed and two (2) lanes suddenly merging back in because the funds simply have not yet been approved. By the way, the Lloyd Expressway alone is the largest project ever undertaken by the State of Indiana. It is an enormous thing -- almost \$1/4 billion. We will work with you and we certainly appreciate your patience this evening. Please stay in touch with us and we will make every effort to work with you and satisfy your needs. Thank you for coming."

Hearing adjourned at 8:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY HIGHWAY</u>
	R. J. Borries R. L. Willner S. J. Cox	Cindy Mayo, Chief Deputy	Bill Bethel
	<u>COUNTY ENGINEER</u>	<u>COUNTY COUNCIL</u>	<u>OTHER</u>
	Andy Esley	Harold Elliott William Taylor	News Media Approximately 75 County Residents

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 2, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 2, 1987, in the Commissioners' Hearing Room, with President Rick Borries presiding.

The meeting was called to order by Vice President Willner at 2:40 p.m., since Commissioner Borries was engaged in a long distance telephone conversation. Since it was the first meeting of the month, the meeting was opened by Sheriff Shepard and he declared the Board in session pursuant to adjournment.

It was determined by Commissioner Willner that the Commissioners have not yet had an opportunity to thoroughly read the minutes from last week's meeting and he entertained a motion that approval of same be deferred until next week. Motion to defer approval of minutes until next week was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: EUTS - ROSE ZIGENFUS

Claim/City of Evansville: Mrs. Zigenfus said the first item of business is a claim in the amount of \$2,108.97 to reimburse the City of Evansville for the county's share (45% of local costs) for the relocation of Texas Gas Transmission line in connection with the Covert Avenue project. (This represents final invoice from Texas Gas.)

Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

Federal Aid Application: Mrs. Zigenfus said the second item of business concerns Federal Aid Applications for the funding of various road projects in Vanderburgh County, including Lynch Rd. and Boonville-New Harmony. There are also some bridge projects -- Green River Rd. Bridge in connection with the Green River Rd. widening project; and bridges on Fulton Avenue. Boonville-New Harmony Rd., Orchard Rd., Ohio Street and Laubscher Rd. She is submitting these applications for the President's signature and she will subsequently submit them to the Indiana Department of Highways. This is the preliminary engineering they are programming, not the construction. Mrs. Zigenfus said the Board might ask why the Green River Rd. FA-2 is not being submitted. It is, but because that is urban funds, they are submitting that with the urban projects and thence to the Indiana Department of Highways under the Mayor's signature for urban funds and the Mayor will be signing off on Third and Fifth Street, Fulton Avenue Extension, Green River Rd. North and the Lynch Rd. section between Oak Hill Rd. to Burkhardt (which is urban funds) and the county submits the projects that deal with the rural secondary funds. Mrs. Zigenfus entertained questions.

Commissioner Cox asked whether Mrs. Zigenfus has a list of the projects she is submitting?

Mrs. Zigenfus said she does and she will provide the Commissioners and the secretary with same.

Mrs. Cox queried Mrs. Zigenfus re the deadline for submitting applications?

Mrs. Zigenfus said the deadline is April 15th. They have prepared them early because they want to get them up there on top of the stack, rather than having them on the bottom of the stack.

All of this was proposed, presented and endorsed by the EUTS Policy Committee at their meeting held last week. They are also preparing the Transportation Improvement Program for 1988 and 1989 and it will reflect these projects and the priorities established.

RE: BURDETTE PARK - MARK TULEY

Financial Report: Mr. Tuley said he has several things to bring to the attention of the Commissioners today. First is the Financial Report for the month of January, as follows:

1987 STARTING BUDGET

1987 Budgeted	\$456,318.00
1986 Encumbered by Contract	66,368.84
Total 1987 Budget	\$522,686.84

EXPENDITURES AND BALANCE 1/1/87 TO 1/31/87

Total Expenditures	\$ 30,898.88
Total Balance	491,787.96

INCOME 1/1/87 to 1/31/87

Pool	\$ -0-
Rink	3,412.75
Rentals	7,612.50
Misc.	-0-
Totals	\$ 11,025.25

1/31/87

Total Expenditures	\$ 30,898.88
Total Income	- 11,025.25
Deficit Sub-Total	19,873.63
Less Capital Improvements	- 6,180.15
Total Deficit	\$ 13,693.48

In response to query from Commissioner Willner concerning rental income, Mr. Tuley said that a lot of the companies will go ahead and make their reservation and send in their deposit, but rentals are up. He will have a schedule for the Commissioners within the next few weeks and he is very pleased. They have a lot of new company picnics and he will be glad to go over those with the Commissioners at that time.

Feasibility Study: Mr. Tuley said that in December we discussed going before Council and obtaining funding for a feasibility impact study and a five year Master Development Plan. One of the firms with whom we previously worked (Bill Haralson & Associates) was interested in working with us again. Since they worked with us in the past and had some data, they were able to give us a better price than some of the other companies. He asked Mr. Haralson to send us a proposal. He initially talked with Commissioners Willner re the proposal. He had a few questions which he felt were rather vague in their initial proposal and he sat down with legal counsel David Miller. He also had some questions he thought should be addressed in the report. We then sent Haralson & Associates a response letter and asked them to answer a few of these questions and send a new proposal to us. Council has already given us \$7,500 to pay for this study. What he'd like for the Commissioners to do -- obviously, there is too much to expect the Commissioners to read and comprehend in just a matter of minutes -- is in the next week or so or at their convenience to read the proposal, study it and ascertain whether they have further questions or if there are any additions which should be included in the report and address the matter at a

future meeting. He feels Haralson is well qualified to conduct the study and impact analysis. After the Commissioners have read the report, digested it, and asked any questions, we can then ask Haralson to go ahead and send us a complete written proposal.

Mr. Tuley said it is his understanding that the Master Development Plan will also include working drawings, placement of new facilities, etc. Mr. Haralson will also come to Evansville for a day or two and he is willing to meet with this body. County Council also wanted to be included in that meeting. In response to query from Commissioner Cox, Mr. Tuley said that when Mr. Haralson comes to Evansville, he thinks the Commissioners should sit down and go over a few things with Mr. Haralson. County Council has requested that they be invited to that meeting.

Commissioner Willner asked, "In his original proposal, he was not coming to town. Is that correct?"

Mr. Tuley acknowledged that this is correct. One of the things that Commissioner Willner had requested was that he felt like he was here before we did the waterslide, etc., and some things have changed. Thus, he felt that Mr. Haralson should come to Evansville and meet with the Commissioners and Council and be updated concerning everything.

Commissioner Willner asked Attorney Miller whether he has any reservations concerning the proposal?

Attorney Miller said, "No sir; I think it was exactly what we were looking for when we prepared the inquiry last week."

Mrs. Cox indicated she had no comments. She queried Mr. Tuley again concerning his request.

Mr. Tuley said that if the Commissioners so desire, we have the funding and he can proceed to ask Mr. Haralson to go ahead and forward a contract. However, if the Commissioners prefer, he can wait a week and let the Commissioners review the proposal.

Motion was made by Commissioner Cox that Burdette Park Manager Mark Tuley contact William Haralson & Associates regarding the contract in the amount of \$7,500.00, with a second from Commissioner Willner. So ordered.

It was noted by Commissioner Willner that the study proposal says the study can be completed within 15 working days of authorization to proceed. He would like to hold them to that. He doesn't know whether there is anything we can do yet this season, but if there is, we would like to have that option available.

In response to comment from Mr. Tuley, Attorney Miller said he would be reasonably satisfied if the contract was merely a confirmation of the \$7,500 figure mentioned in Mr. Haralson's letter. However, if Haralson & Associates have a form of contract that he would like to submit, then he would like to see same. We've been down that road where we've had contractors who have not specified -- and this is in the form of a proposal. He would like to see an agreement that would be just as simple as this letter is and he would want Mr. Haralson to give it the first pass.

Mr. Tuley asked that when he gets the proposal in front of him, does he have the Board's permission to take it to Attorney Miller for his approval and then bring it back to the Commissioners for their signatures?

Commissioner Willner said the motion has already been passed.

Attorney Miller said if Mr. Tuley will give him the contract when it arrives, he will review same and make a recommendation to the Board.

Request To Go On Council Call: Mr. Tuley presented the following letter for approval by the Commissioners:

March 2, 1987

County Commissioners
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

I am requesting your permission to be placed on the agenda for the April County Council Meeting to replace the funds being transferred to begin the lighting of the two new softball diamonds here at Burdette Park.

<u>Total Request</u>	
145-118 Other Employees	\$35,000.00
145-320 Utilities	<u>15,000.00</u>
Total	\$50,000.00

Respectfully,

Mark T. Tuley
Burdette Park Manager

In response to query from Commissioner Cox, Mr. Tuley said that since we have to bid out part of the services, our specifications should be ready Wednesday or Thursday and he should have the specs for the Commissioners on Monday, March 9th, for approval to be advertised -- providing that Council goes along with what they did last week in their Finance Meeting.

Mrs. Cox asked whether Mr. Tuley gave Council a figure, or just permission to transfer this money?

Mr. Tuley said he gave them a \$50,000 figure. They got this from Councilman Wortman. We had a lighting company come in from Indianapolis and we should be able to do it for under \$50,000. Actually, the total cost would probably run around \$70,000 to \$75,000. But with the goods we have had donated, our cost to the county has probably dropped down to a bit less than \$50,000. The park employees will do the actual trenching and laying of the underground cable. The actual hooking up of the cable will have to be done by an electrician. But the park employees will do everything they can to help cut the cost of the project. He did tell Council that any money less than the \$50,000 that this project cost would be turned back to the Council.

Motion was made by Commissioner Cox that the request to go on April Council call be granted, with a second from Commissioner Willner. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

President Borries entered the meeting and apologized for his absence from the meeting to this point; however, he was engaged in a telephone conversation with Welfare officials in Indianapolis. He proceeded by calling on Attorney Miller for his report.

Attorney Miller said he has nothing pressing to report. It has been rather a quiet week. However, he will be glad to answer any questions the Commissioners may have re any items currently pending.

Commissioner Cox said she thought Curt John would be here today.

Attorney Miller said that Curt John was scheduled to be here today, but he covered for him three weeks ago -- and this is his make-up.

Commissioner Cox said she asked Attorney John to review the situation out on Little Schaeffer Rd. (the Modlin property). She believes Attorney Miller is partially aware of the problem -- the junk cars, the dump. etc. There was a court suit on this and the Judge did tell the Modlins to do this, this and this, with which they have not fully complied. She referred it to Attorney John, because the Building Commission said it is out of their hands since a court order is involved. Perhaps Attorney John can give a report on this next week.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted the Weekly Work Report for employees at the County Garage for period February 23 thru February 27, 1987.....report received and filed. Attached to the work report was the following work schedule:

Gradall: Buente Rd., Edgewater and Emge Rds.

Rocked: Old Green River Rd., Buente Rd., Trapp Rd., Emge Rd., Mann Rd. and Bixler Rd.

Patch Crew: Old 460, Buente Rd., 5th Avenue Bridge, Darmstadt Rd., Millersburg to Kansas, Lutterbach, Caranza Drive, Boonville-New Harmony and Old State Rd.

Grader: S. Weinbach, Sensmeier, Buente Rd., Martin Station, Edgewater, and Outer Darmstadt.

Trash: River Rd., S. Weinbach, Green River Rd., Garage, Orchard Rd. and Evergreen.

Tree Crew: Kasson Drive, Boonville-New Harmony, Mill Rd., St. Joe Avenue from Mohr to Schenk.

Weekly Report/Bridge Crew: Also submitted for the same period was the Work Report for the bridge crew.....report received and filed.

- Replaced culvert on Allen Lane
- Replaced culvert on Darmstadt Rd. just north of Mohr Rd. intersection
- Replaced culvert on Edgewawter Drive.
- Rip-rapped Darmstadt Rd., Edgewater Dr., Orchard Rd. and Buente Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Request to Drive County Car: Mr. Bethel said he would like to request permission to drive a county car to Lafayette, IN for the road school. Any of the Commissioners are welcome to accompany him. The dates are March 10th, 11th, and 12th.

Commissioner Willner indicated that he might go along.

Commissioner Cox asked whether anyone else from the garage will be going?

Mr. Bethel said he probably will take someone.

Commissioner Willner suggested that Mr. Bethel check with the engineers to see whether they want to go.

Culvert on Browning Rd.: Commissioner Willner asked Mr. Bethel if they replaced the culvert on Browning Rd.? He doesn't see it on the work report.

Mr. Bethel said they did. The bridge crew did this. In response to query from Commissioner Cox as to the location on Browning Rd., Mr. Bethel said it is north of Tall Timbers and south of Boonville-New Harmony Rd. -- just about half way in between.

Motion to approve Mr. Bethel's request with respect to county car was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Guard Rail Posts/Burkhardt Rd.: Mr. Easley asked whether Mr. Bethel mentioned that the guard rail posts had been installed on Burkhardt Rd.?

Commissioner Willner said he noticed that they were up. He also said it was his understanding that the guard rail itself was not acceptable.

Mr. Easley said this is correct.

Boonville-New Harmony Rd.: Mr. Easley reported that he received a notice today from Mr. John Williams, the Hearing Officer for Public Affairs in the Indiana Department of Highways that they are going to put a Legal Notice on the easterly extension of the Boonville-New Harmony Rd. He guesses it contains the normal information in which anyone is interested. If there are enough interested people to request a public hearing, then there may be a public hearing on it. He has the plans. He took the design study and the environmental and gave it to Rose Zigenfus. If people want to see the highway plans, they are used to going to EUTS, since they have a file on same. Mr. Easley then entertained questions. The notice indicates we are going to need approximately 12 acres of agricultural land and 0.5 acre of woodland for the project.

Commissioner Willner raised questions concerning the 12 acres, saying that doesn't sound right to him.

Mr. Easley said the total length is 8/10 mile (4,224 ft.) with 129 ft. width. He said if you take 12-1/2 acres and divide it by the length, you get 129 ft. That is probably a little fill section; and that is a little wider than he would have guessed. He rounded the total length of .796 to .08 or 4,224 ft. The width is 129 ft. wide to get that much acreage, assuming they computed it properly. But 129 ft. x 4,224 ft. gives you a hair under 545,000 sq. ft. -- if you take that and divide it by 43,560 sq. ft. in an acre, he gets 12.5 acres. This fits the design criteria.

Claim/Hayes, Seay, Mattern & Mattern: Mr. Easley presented a claim in the amount of \$1,591.49 for work done on the "B" Street Underpass. This is the first billing.

Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

The Chair entertained questions of Mr. Easley.

Resurfacing of Roads: Mrs. Cox said she had received several calls since the public hearing on roads last week. These people asked how all the total tonnage computations were figured. Evidently they were doing some figuring. Where he has under

total materials the tonnage on the 1987 road paving program for Vanderburgh County -- when he said he takes the materials per mile time the length of miles, he doesn't come out with the total material.

Mr. Easley said he added 5% for the aprons for mail boxes and the driveways and rounded off to the nearest.....

Mrs. Cox said some are like some 200 tons difference.

Mr. Easley said she will discover that they are about 5%, which is for contingency and aprons and he did round off to the nearest.....

Mr. Easley said he uses a 1.05 multiplier and then rounds it off. This gives him a 5% contingency which covers the aprons for the mailboxes. We used that last year.

Boonville-New Harmony Rd.: Mr. Easley said he spent about two hours last Thursday morning with Calvin Evans reviewing the Boonville-New Harmony Rd. and whether it would be qualified for 3-R project (using 75% federal money). It appears that the section between St. Wendel and St. Joseph Avenue (which is about 5 miles) has adequate right-of-way, a fairly decent road bed and Calvin is going to bring Steven Dilk down to see if he likes it as well as he does. If the Commissioners are interested, it might develop into a \$700,000 project (of which we would have to pay 25% or \$175,000). We'd end up with three (3) inches of asphalt on the road and 2 ft. shoulders. We'd have to put some guard rails in strategic places. We'd have a real fine road. It would take about half the money we have in this program, but we'd be going about five (5) miles of that ten (10) mile project and if we wanted to use the savings on some of the roads mentioned in the public hearing, and the balance of the Boonville-New Harmony Rd. might be able to go another year. We can go out there as a committee and make a final determination. It sounds like we have been urged to do some 3-R; if the Commissioners recall, they said last year they'd like to see us do that. Again, this would be five (5) miles between St. Wendel and St. Joe Avenue. Three (3) inches of asphalt would probably cost us \$55,000 per mile under contract.

Commissioner Willner said we can't go all the way to St. Joe,, we'd have to stop about 1,700 ft. before we get there.

Mr. Easley said this is right and he stands corrected. They do like a nice terminus and they said we are allowed to pave into a community on this kind of deal. So it is up to the Commissioners.

Mr. Willner said, "Providing the community picks up their share it is alright. They've got better roads than we've got."

Mr. Easley said he should have some indication within the next ten (10) days as to what they think of the road. It does have some back slopes and cut areas that theoretically are supposed to be 3:1 slopes. And we'd have some problems with those cut areas -- where you leave St. Joseph Avenue and go down towards the railroad underpass.

Mr. Willner said we were going to cut those back anyway ourselves.

Mr. Easley said it would be great if we could do that without having to get involved in the project. That would be marvelous if we could do that.

Hearing on "B" Street Underpass: Commissioner Borries said we need to make some determination on what we can do on a couple of items. One person at the road hearing asked if we were going to

have a public hearing on the "B" Street Underpass. He advised that as far as he knew we would whenever we got to that level of planning. Is that correct?

Mr. Easley confirmed that this is correct.

Harmony Way: Mr. Borries said he wants to respond to these residents if we're not going to do any guard rail out there on Harmony Way. What suggestions does Mr. Easley have to make that whole situation safer? He needs to have some determination on that.

Mr. Easley said he talked to the owner and he and Mr. Bethel looked at it. He told the owner that from an engineering point of view and in trying to apply the federal design criteria for guard rail that the guard rail wasn't really needed. But he did say he would discuss it with the Commissioners and if he feels strongly about, perhaps he should put some railroad ties in post holes if he is afraid his house is going to get hit. He and Mr. Bethel saw some tire tracks in adjacent lots -- but they did not see any in his. He told the homeowner that he was afraid there might be some reluctance on the part of the Commissioners to go against the criteria as to where guard rail should and should not be used.

Mr. Bethel said he can take care of this in two hours time. It is a simple job if the Commissioners want him to take care of this.

Commissioner Borries queried Mr. Bethel re his specific concerns.

Mr. Bethel said the road drops right off. If a driver of a car goes off the road,, he really would not injure himself right now.

Mr. Easley said this is quite a distance from the man's house and he is having a hard time visualizing his concern. But he is trying to be as objective as possible.

Mrs. Cox said she can understand his concern, because she has a double driveway (theirs and their neighbors are together) and cars turn around in their driveway because it is a nice double driveway. They go off the edge of their pavement onto their lawn and it is a muddy mess. So she can understand that even though it doesn't hit the house, it is tearing up his rock garden or whatever he has out there.

Both Messrs. Easley and Bethel again said they did not see any tire tracks on his property.

Commissioner Borries said perhaps we can get the Sheriff's Department involved; maybe there is some documentation. It is his understanding in talking with them that there had been several accidents at that scene (2829 Harmony Way, the Long residence). Maybe there is something else we can do. But he would like some documentation when someone says they have had continual problems in the area -- he'd like to be able to respond in some way to help. That is his concern. If it is not going to be guard rail, then maybe we need to look at something else. But he would like to be able to report back since he has received calls. If Messrs. Bethel and Easley can continue to work on this, he would appreciate it. If there have been some accidents, surely they would have been documented by the Sheriff's Department.

RE: ACCEPTANCE OF STREETS - GREENBRIAR HILLS SECTIONS 1 & 2

Mr. Easley asked if the Commissioners had an opportunity to view the streets in Greenbriar Hill Sections 1 & 2? The Commissioners said they did.

Mr. Easley presented the following acceptance letter:

Mr. Richard Borries, President
Vanderburgh County Board of Commissioners
Room 305,, Civic Center Complex
Evansville, IN 47708

Re: Acceptance of Street Improvements
in Greenbriar Hills Sections 1 & @

Dear Mr. Borries:

The undersigned has made an inspection of subject street improvements on January 6, 1987. These street improvements were constructed during the summer of 1986.

All streets are paved with six (6) inches of Portland Cement Concrete and have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed 29 foot wide streets in subject subdivision:

Greendale Drive	630 l.f.
Pleasant View Drive	1,300 l.f.
Green Hill Drive	250 l.f.
St. Clair Court	560 l.f.
Total	2,740 l.f.

We are enclosing a sketch of the subdivision showing the completed streets.

It is recommended that the street improvements in this subdivision be accepted for maintenance.

If you have any questions, please call the undersigned.

Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

Mrs. Cox said the only question she has concerns Green Hill Drive and Briar Court going up just so many feet.

Mr. Easley said it was his understanding that these were accepted in past years (almost 10 years ago).

There being no further questions, a motion was entertained.

Motion to accept the street improvements as listed above was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Kansas Rd. Bridge: Mr. Easley reported that he has heard nothing with regard to the Kansas Rd. Bridge.

Commissioner Willner said we should probably give this matter to Curt John.

RE: REQUEST FOR LEAVE OF ABSENCE

The meeting continued with President Borries reading the following letter from the County Treasurer:

To: County Commissioners
From: Pat Tuley, County Treasurer
Date: February 20,, 1987
Subject: Leave of Absence

This is a continuing follow-up letter originally from February 5, 1987, requesting that Faith Hart continue to be on a medical leave of absence thru February 27, 1987, per attached doctor's excuse.

I would recommend that her medical insurance continue to be carried.

Thank you,

Patrick Tuley

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

RE: VANDEBURGH AUDITORIUM - KIM BITZ

Mr. Bitz said that at last month's Advisory Board Meeting, they discussed the fact that they have completed a small addition to the office of the Convention & Visitor's Bureau. The Advisory Board came up with an additional \$75.00 per month as an additional fee to their current rent of \$700.00. This would make a total of \$775.00 per monthly rental fee.

Commissioner Willner asked if Mr. Bitz knows how long the Convention & Visitor's Bureau has had the \$700 per month fee?

Mr. Bitz said he believes that became effective a year and a half or two years ago.

The Chair asked for further questions or comments.

Mr. Bitz said it had been previously discussed and the Advisory Board agreed that the Convention & Visitor's Bureau should buy separate air conditioning units for their office. Therefore, we could shut off the rest of the building when not in use and save quite a bit of money per year. Because of their office being centrally located, the heat goes up in there and there is no way for the exhaust fans to draw any air through there. As far as the improvements in the reception area, these were done in house and the cost was \$500 at the most for labor and materials.

Commissioner Cox asked if they're increasing any kind of service they are performing for the county this year?

Mr. Bitz said they do provide matching grants for brochures.

Commissioner Willner said he doesn't really care but \$75.00 per month is certainly a reasonable increase.

Mrs. Cox checked the budget figure for the Convention & Visitor's Bureau.

Mr. Bitz noted they do have additional funds in the hotel and motel tax fund that are not allotted in that budget.

Mrs. Cox asked if Mr. Bitz is increasing the rental fees of the other rooms?

Mr. Bitz said they are in the process of making up a new rate schedule. He will hopefully have it to the Commissioners for their approval prior to June.

Mrs. Cox asked if the improvements recently made were suggested by the Convention & Visitor's Bureau?

Mr. Bitz said they were and, in fact, they were the ones who requested the additional space.

Motion to approve rental increase of \$75.00 per month was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: LETTER TO BUILDING AUTHORITY RE SPACE FOR COUNTY ASSESSOR

Mr. Borries read the following letter:

Evansville-Vanderburgh County
Building Authority
Mr. Steve Utley, General Manager
317 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Mr. Utley:

This is to advise that effective March 2, 1987, the Vanderburgh County Assessor James Angermeier, will occupy Room 318 in the Administration Building, Civic Center Complex.

Therefore, this space will continue to be charged to Vanderburgh County.

Please mark your records accordingly.

Sincerely,

Board of Commissioners of the
County of Vanderburgh

Richard J. Borries, President

Commissioner Cox asked if the county is already paying for that space?

Commissioner Borries replied in the affirmative. He said to give some past history, we have heard from Mr. Angermeier on several occasions that in order to have space for printers and terminals and assure a smooth reassessment, that he would like to have additional space. Space may or may not be possible -- perhaps if the State Welfare Department would at some point change -- but this was the best that could be done and the most cost effective since the county is already being charged for this space. And it would allow a computer program to be built in on this reassessment and operated from this particular room and it might also give him some additional space for the Board of Review to meet at that point. That would be the purpose of this request then, simply to allow the Assessor to begin to plan for the reassessment and have this additional space.

County Auditor Sam Humphrey noted that the Land Commission could probably meet in this room also. He has been told that it is going to be extended for another two years.

President Borries asked whether Auditor Humphrey accompanied Mr. Angermeier when he traveled to a couple of other counties to view their computerized operation?

Mr. Humphrey acknowledged that he did.

Commissioner Borries said there will be no increase in the buget for this space, as the county is already paying for it.

Mr. Lindenschmidt noted that Mr. Angermeier will also need two telephones in Room 318.

The Chair entertained a motion.

Motion was made by Commissioner Willner that the Board approve the use of Room 318 by the County Assessor and that Mr. Lindenschmidt arrange for the necessary telephones, with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

Tall Timbers Subdivision: President Borries said that with respect to Tall Timbers Subdivision, the Commissioners still want to make an inspection of the streets. It was subsequently noted that it is the consensus of the Board that it would be in order to write a letter to the County Surveyor and ask for their thoughts concerning this subdivision. President Borries said he would like to see his written comments. Further, consideration is being given to having an independent engineer view this subdivision and provide his comments in writing.

Hillcrest-Washington Home: Commissioner Borries reported that he was late getting to today's meeting due to a telephone call from the State Welfare people, who have been very cooperative concerning the situation at the Hillcrest-Washington Home. They have indicated that a representative from that office will be coming to Evansville in the near future to personally view the Hillcrest-Washington facility.

At their Finance Meeting, County Council decided not to change the salary ordinance concerning the increase in salary for Connie Davis, the interim Director. He will personally attend their March 4th meeting to ask them to reconsider the matter. He cannot understand the Council's thinking in regard to budgets and salaries.

RE: SCHEDULED MEETINGS

Mon.	Mar. 2	6:00 p.m.	Co-Op Extension Mtg. 4-H Center
Tues.	Mar. 3	11:00 a.m.	Civil Defense Mtg. re Earthquakes
Wed.	Mar. 4	2:30 p.m.	County Council Mtg.
Wed.	Mar. 4	6:00 p.m.	Area Plan Commission

Mr. Borries said he will be out of town next week. He will be in Washington,, D.C. with a group of high school students. During his visit to Washington, he will make contact with federal officials to determine the status of federal funding. He would like to find out about the highway bill. Many local road projects are being held up as a result of congress' failure to act on this bill. Additionally, it is holding up many private projects as well, pending completion of these roads.

RE: LETTER OF CONGRATULATIONS TO RANDALL SHEPARD

It was noted by President Borries that it is the consensus of the Board that they would like to go on record with a letter of congratulations to Randall Shepard, who will be sworn in as Chief Justice of the Indiana Supreme Court at noon on Wednesday, March 4th. The ceremony and reception will take place at the Old Court House in order to accommodate the public.

RE: CLAIMS

President Borries said he has no claims to present for the Board's approval today.

RE: EMPLOYMENT CHANGES

Knight Township Assessor (Appointment)

Paul J. Marx	Deputy	\$35.00/Day	2/26/87
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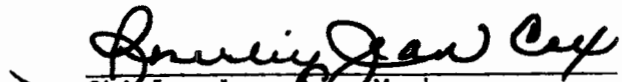
There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>
	Bill Bethel	Andy Easley	Clarence Shepard
	<u>EUTS</u>	<u>BURDETTE PARK</u>	<u>AUDITORIUM</u>
	Rose Zigenfus	Mark Tuley	Kim Bitz

SECRETARY: Joanne A. Matthews

Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 9, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, March 9, 1987, in the Commissioners' Hearing Room, with Vice President Robert Willner presiding.

President Rick Borries was in Washington, D.C. in connection with a school program.

These minutes are condensed due to an inaudible tape.

The meeting was called to order by Commissioner Willner. Commissioner Cox moved to approve the minutes of February 23, 1987 with corrections on page 8, should read Bill Haralson instead of Bill Harrison, page 10 should read at the bottom of the page, work on the bridges including bridge numbers on the weekly report and on page 14, should read 2829 Harmony Way instead of 29 Harmony Way. Commissioner Willner seconded as noted.

Commissioner Cox moved to approve the minutes of March 2, 1987 with a second from Commissioner Willner.

RE: 2829 HARMONY WAY

Commissioner Willner said in regard to the guard rail, it might be advantageous not having one at all.

The Sheriff is investigating this and will give a full report. He asked Mr. Easley to also, check with Richard Gwinn, Assistant Engineer, for his opinion on this.

RE: BUILDING COMMISSIONER - ROGER LEHMAN

Mr. Lehman submitted copies of the monthly report for the month of February 1987.

Mr. Lehman had the following house moving requests:

J. & J. Housemoving
c/o Marty Girten
Box 194
(502 389-2640)

MOVING PERMIT APPLICATION

FROM: 8314 SPRY RD.

TAX CODE 6-31-14

TO: 2623 HELMUTH AVE.

TAX CODE 13-167-14

ROUTE: From Spry Road to east to Fuquay, go South on Fuquay to Pollack. Go West on Pollack to Boeke and North on Boeke to Helmuth. Go West on Helmuth to new location.

APPROXIMATE DATE OF MOVE: 3/15/87

We will notify the sheriff and the Knight township Fire Dept. on the day before the move.

THANK YOU,

MARTY GIRTEN

Commissioner Cox moved to approve this moving permit. Commissioner Willner seconded. So ordered.

J. & J. HOUSEMOVING
C/O MARTY GIRTEN
BOX 194
WAVERLY, KY 42462
(502) 389-2640

MOVING PERMIT APPLICATION

FROM: 8216 SPRY ROAD

TAX CODE: 6-31-7

TO: 430 FUQUAY ROAD

TAX CODE 5-105-5

ROUTE: From 8216 Spry Rd. go West to Fuquay Rd. Go North on Fuquay to the Covert Ave. Extension, go East to end of Extension. Go North across a field and the parking lot of Morning Side Presbyterian Church. Go West on Newburgh Rd. to Kings Wood Dr. Go North to Outer Lincoln. Go West to Fuquay Road and North to the new location at 430 Fuquay.

APPROXIMATE DATE OF MOVE: 3/15/87

We will notify the sheriff and the Knight Township Fire Dept. on the day before the move.

THANK YOU,

MARTY GIRTEN

Commissioner Cox moved to approve this moving permit subject to letters of permission from Morningside Presbyterian Church, Estate of Bronstein and Roger's Group Construction.

Commissioner Willner seconded the motion. So ordered.

RE: BURDETTE PARK - MARK TULEY

FEASIBILITY STUDY

Mr. Tuley submitted copies of Proposal No. 6253-R2 of the feasibility study regarding Burdette Park from William L. Haralson & Associates, Inc.

Commissioner Cox moved to approve the proposal with Vanderburgh County, Burdette Park in the amount of \$7,500.00 with William L. Haralson & Associates, Inc.

Commissioner Willner seconded. So ordered.

Mr. Tuley said he had set up a meeting with Mr. Haralson for Wednesday at 10:00 a.m. and hoped the Commissioners could attend, realizing that was short notice. This was the only convenient time that Mr. Haralson could make it.

Commissioner Willner said he would be in road school at Purdue and, of course, Commissioner Borries is in Washington.

Commissioner Cox said she would have to do some rescheduling in order to attend and will see what she can work out.

Commissioner Cox ask Mr. Tuley to make the County Council members aware of this meeting, also.

Mr. Tuley said there was a letter going out today to them.

LIGHTING OF BALL DIAMONDS

Mr. Tuley submitted copies of specs for lighting the ball diamonds.

Commissioner Willner said these are too broad, you will have to spell it out.

Mr. Tuley said he would like to award the bid March 30, 1987.

Commissioner Cox asked if there was a penalty clause.

Commissioner Willner said there should be.

Commissioner Willner asked Mr. Tuley and Attorney Curt John to meet with Mr. Dorsey and revise the specs and report back to this meeting.

RE: COUNTY ATTORNEY - CURT JOHN

KANSAS ROAD BRIDGE

Attorney John said Mr. Easley briefed him on this and that he hadn't looked up the minutes of April 1985. It was consensus of opinion that it has not been abandoned officially, but it has been ordered closed.

Mr. Easley said he would check further on this.

MILL ROAD

Commissioner Willner said he did not want to land lock anyone. We need to determine who the property owners are...He suggested to just use good judgment.

LITTLE SCHAEFFER ROAD

Attorney John said the \$75.00 fine has been paid. Area Plan instituted the law suit.

Attorney John said he would notify Area Plan to make an inspection of the site and if they find that they are not in compliance with the code that they will notify property owners and if they are in compliance with code, send a letter to Commissioners.

SELF-INSURANCE FUND

Attorney John submitted an ordinance for investment of self insurance funds authorizing the Treasurer to invest monies in a manner consistent with the investment of other funds but monies derived from the investment shall remain a part of the Self Insurance Fund.

It was decided to present this ordinance and vote on it at next Monday's meeting.

REZONING OF THE ANGEL PROPERTY

Attorney John said that Paul Wallace was Area Plan's attorney on the property at Mesker Park Drive and Highway 66. The Judge ruled that it should be C-4.

Commissioner Cox needed a legal opinion as to whether the Court could rezone property.

Attorney John said he would check on this.

There was some discussion that they could appeal this but it would be lengthy and expensive.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted the Weekly Work Report for employees at the County garage for period March 2 through March 6, 1987.....report received and filed. Attached to the work report was the following work schedule:

Gradall: Emge Rd., Water Works Rd., Hogue Rd., Upper Mt.
Vernon Rd., Detroy Rd.

Tree Crew: Emge Rd., St. Joe Ave.

Grader: Bottoms, Kneer Rd., Wright Lane, Staubs Lane,
Sensmeier, Old Princeton Rd., Darmstadt Rd., Old
State Rd.

Pulled
Shoulders: Old Princeton Rd., Darmstadt Rd., Old State Rd.

Patch Crew: Old State Rd., Mt. Pleasant, Middle Mt. Vernon
Rd., Upper Mt. Vernon Rd., Evergreen, and over all
new culverts.

Washed equipment and run barricades.

Weekly Report/Bridge Crew: Also submitted for the same period was the
Work Report for the bridge crew.....report received and filed.

- Installed pipe in two (2) different locations on Orchard
Road and did necessary clean-up work after job completed.
- Installed 18" pipe on Happe Rd.
- Prepared road to install culvert on Darmstadt Rd.
- Cleaned bushes and rip-rapped 1117 Millers Rd.
- Installed drop-box on Mesker Park Drive.
- Rip-rapped and spread 53's on Orchard Rd.

Weekly Absentee Reports: Also submitted for the same period were the
Weekly Absentee reports for employees at the County garage and the
Bridge Crew.....reports received and filed.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley submitted the following letter from David C. Hudak of the
United States Department of the Interior to Mr. Clifford Ong:

Mr. Clifford Ong
Evansville Urban Transportation Study
Room 312 Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Ong:

This responds to your letter of January 7, 1987 reporting a proposal
to change the alignment of Lynch Road Extension from Oakhill Road to
SR 62 and Telephone Road in Vanderburgh and Warrick Counties,
Indiana. The proposal is to change the alignment from that which was
approved in the Final Environmental Impact Statement (FEIS)
(FHWA-IN-E15-83-01-F).

These comments have been prepared under the authority of the Fish and
Wildlife Coordination Act (16 U.S.C. 661 et seq.) and are consistent
with the intent of the National Environmental Policy Act of 1969, the
Endangered Species Act of 1973, and the U. S. Fish and Wildlife
Service's mitigation Policy.

We have had several telephone discussions and attended a coordination
meeting on January 26, 1987 with you, County Engineer Andrew Easley,
and the Indiana Department of Highways, and the Indiana Department of
Natural resources.

We appreciate your interest in providing mitigation to substitute for
those actions concluded in the FEIS. In summary, 26.8 acres is to be
acquired from the southeast quarter of Section 11, township 6 South,
Range 10 West. Of this about 7 acres would be required for the new
Lynch road right-of-way on the north. It is all within the flood zone
and mostly within the annual flood elevation. This bottomland
hardwood wetland is scarce in this part of Indiana and is becoming
scarce in Indiana through encroaching and continuing clearing. The

Evansville Urban Transportation Study has agreed to transfer this bottomland hardwood to the Wesselman Park Nature Center for preservation as an undeveloped offsite interpretation wild area. It was suggested that 5 to 15 acres of the 20 acres would be used as borrow, to be converted to developed wetlands. However, the IDF&W and FWS explained the value for wildlife of these natural bottomland hardwoods and the dire need for preserving as much as possible. After discussion it was agreed that up to, but no more than 5 acres would be used for borrow, and the 20 acres transferred to the Wesselman Park Nature Center. The general design for the borrow area will be with a slope of 10:1 from shore outward to a depth of 2 meters, over 25 to 50 percent of the shoreline. Specific design will be agreed upon when location and size of borrow is known.

The preservation of this wetland is the best type of mitigation action available along Pigeon Creek.

ENDANGERED SPECIES

The Endangered species in relation to this project were addressed during our comments on the Environmental Analysis.

Recommendations

We recommend that this proposal be accepted as partial mitigation for the Lynch Road Extension project consisting of approximately 20 acres south of the Lynch Road Extension and north and west of Pigeon Creek. The 20 acres is to consist of bottomland hardwoods of which about 5 acres or less will include borrow road construction which will be designed to have 25 to 50 percent of the shore having a 10:1 slope along to a water depth of 2 meters. The total 20 acres are to be conveyed to the Wesselman Park Nature Center.

If you have any questions or further coordination please call Chuck Burner at (812) 334-4261.

Sincerely yours,

David C. Hudak
Supervisor

Acquiring Land for Relocation of Lynch Road

Commissioner Cox said that Mr. Easley has Board approval and she moved to see what he can work out with Mrs. Ryan in acquiring land for relocation of Lynch Road.

Commissioner Willner seconded. So ordered.

Covert Extension Project

Mr. Easley explained that no money was appropriated in the 1987 budget for Covert Extension and that he would like permission to go before Council to ask for \$171,000.00.

Request to Go On Council Call:

Motion was made by Commissioner Cox that the request of \$171,000.00 that wasn't encumbered be granted to go on Council with a second from Commissioner Willner. So ordered.

Road School

Mr. Easley said he just had too many things going and would be unable to attend the road school at Purdue, but he he would suggest that Dan Hartman go in his place.

There was some discussion that maybe Mr. Hartman was too busy and that since this is a road school that it would not be a good idea.

Approval of Road Plans on Volkman Road

Mr. Easley presented plans for construction of an eighty (80) foot boulevard which will be the extension of Volkman Road west of U. S. 41. The road costs will be paid by Southern Indiana Properties.

Commissioner Cox asked Mr. Easley if the county Surveyor had reviewed the plans for drainage of the area.

Mr. Easley said he did not submit it to the surveyor, he thought his professional license would be sufficient.

Commissioner Cox said she couldn't approve these plans just having received them during this meeting instead of having two (2) days to review the plans as usual.

Mr. Easley said he was just trying to do SIGECO and Morley a favor by presenting the plans on short notice so the project could proceed.

Mr. James Morley, a subcontractor on the project explained the roads will be curbed asphalt with underground storm drainage and sanitary sewer systems and that the boulevard will have 30-foot wide pavement on either side of a two-foot landscaped median. The drainage from the roadway will be carried into the existing ditch on the property. He said a detention basin will be built to handle drainage from the development and that there is no subdivision there.

After much discussion Commissioner Cox moved to approve the plans with the stipulation of receiving a letter from Evansville Urban Transportation saying that it is alright and documentation from the State Highway Department that the entrance had been approved. She would sign the plans upon receiving these documentations.

Commissioner Willner seconded with the addition to include erosion control on the plans.

So ordered.

RE: BURDETTE PARK - SOFTBALL LIGHTING -MARK TULEY

Attorney John and Mr. Tuley reported back combining it to one (1) bid and Commissioner Cox moved to approve the 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 2:30 p.m., March 30, 1987 receive and publicly open and read in the Council Chambers, room 307 sealed bids for the furnishing and delivery of the bid requirements for the softball lighting system.

Commissioner Willner seconded the motion. So ordered.

RE: OLD BUSINESS

Hillcrest-Washington Home:

Commissioner Willner said he wanted to go with the alternate method that United Way suggested and that is to transfer funding to an organization to run the Home. He said they wanted to broaden the scope and that they are awaiting the proposal and specifications from Ms. Connie Davis so that they can advertise for other agencies. He then read the following letter from Commissioner Borries:

March 9, 1987

Dear Commissioners:

I'm sorry I cannot attend our Commissioners meeting today. I'll be in Washington D.C. with Evansville students and teachers attending the National Close-Up Foundation Program. However, I wanted to ask you to

consider requesting Ms. Connie Davis, interim administrator at Hillcrest-Washington Home, to draw up a request for proposals for contractual services in the operation of the facility. I believe she can prepare these specifications for advertising publication at our next Commission meeting so that we might decide by the end of this month.

I ask for your consideration now because it is apparent that the County Council does not want to increase the salary of the administrator to match the qualifications of a qualified professional person. Yet, all of us want the facility to be more than it has been. Also, I know you share my belief that this facility should serve children without the "turf" or political power disputes that could hurt the future of Hillcrest.

There are several agencies with their community boards of directors already in place who have expressed interest in operating the facility. They can offer a highly trained staff which will add treatment and diagnostic services as well as emergency shelter services to the children of the facility, and I believe they will run the facility in improved fashion within the existing budget. Finally, I think a qualified, professional social service organization will add stability to Hillcrest - a dedication and concern for delivery of services free from political disputes.

The children at risk in our community deserve better than what has been done at Hillcrest. In these difficult times, we need to work with these children - no matter how difficult they may be - to improve their future. In the long run, our work will help make these children productive taxpayers rather than a long-term tax burden. I want the home to be the best it can be and I know that you do too. That's why I believe this alternative mentioned in the United Way Study is the best way to go.

Respectfully yours,

Richard J. Borries

Commissioner Willner said the State will be down next Monday.

Commissioner Cox made a motion to request the interim superintendent be asked to draw up a proposal on Hillcrest Home by next Monday.

Commissioner Willner seconded the motion. So ordered.

RE: BLUE CROSS-BLUE SHIELD CHECK

The Blue Cross Blue Shield check #264377 in the amount of \$77,982.10 was presented for acceptance which represents modified cost plus settlement for Contract year 1-1-86/12-31-86.

Commissioner Cox made motion to accept and endorse the check and deposit into 130-192. Commissioner Willner seconded the motion. So ordered.

RE: TREASURER'S MONTHLY REPORT

Commissioner Willner requested that the record reflect that the following report through March 2, 1987 was received from the County Treasurer.....report received and filed.

INTEREST REPORT THROUGH MARCH 2, 1987

TO: COUNTY COMMISSIONERS
COUNTY COUNCIL

Monies on Deposit--Invested \$500,000.00 (\$100,000.00 with each savings and loan), December 26, 1986, at 5.75%. Estimated Income at maturity is \$28,513.69. Maturity date is December 23, 1987.

Reassessment (249)--Invested \$1,500,000.00, January 8, 1987, at 5.75%
Estimated Income at maturity is \$85,291.67. Maturity date is December 30, 1987.

Cumulative Bridge (203)--Invested \$3,000,000.00, January 8, 1987, at 5.45%. Estimated Income at maturity is \$78,570.83. Maturity date is June 30, 1987.

Road & Street (216)--Invested \$1,750,000.00, January 8, 1987, at 5.45%. Estimated Income at maturity is \$45,832.99. Maturity date is June 30, 1987.

Monies on Deposit--Invested \$1,400,000.00, January 8, 1987, at 5.75%. Estimated Income at maturity is \$79,381.94. Maturity date is December 29, 1987.

Monies on Deposit--Invested \$2,000,000.00, January 8, 1987, at 5.40%. Estimated Income at maturity is \$18,000.00. Maturity date is March 9, 1987.

Monies on Deposit--Invested \$500,000.00, January 8, 1987, at 5.40%.. estimated Income at maturity is \$3,975.00. Maturity date is March 2, 1987.

Monies on Deposit--Invested \$2,500,000.00, February 26, 1987, at 5.40%. Estimated Income at maturity is \$5,625.00. Maturity date is March 13, 1987.

Monies on Deposit--Invested \$1,000,000.00, February 27, 1987, at 5.75%. Estimated Income at maturity is \$4,025.00. Maturity date is March 27, 1987.

Interest receipted to date:	County Revenue	\$22,766.11
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Interest to be receipted when current Investments mature:

County Revenue	135,545.64
Reassessment	85,291.67
Cumulative Bridge	78,570.83
Road & Streets	<u>45,832.99</u>
TOTAL	\$345,241.13

Patrick Tuley

Commissioner Willner asked that the record reflect that the report was received and filed.

RE: ALEXANDER AMBULANCE SERVICE, INC. - MONTHLY REPORT

Commissioner Willner presented a Profit & Loss Statement County Contract for period ending January 31, 1987, from Alexander Ambulance Service, Inc. Report received and filed.

RE: CERTIFICATE OF INSURANCE

Harris & Hauke Insurance, Inc. (Aetna)...Robert T. Hamilton, The Robert Hamilton Charitable Golf Foundation, Inc. Received and filed.

RE: OLD BUSINESS

With reference to the new Boonville-New Harmony road, Commissioner Cox received a call Friday from the State that the land owners had refused to allow core samples to be taken around the bridge and road areas and the GeoTech Company that was doing the soil analysis said that they needed a letter from the Commissioners releasing them of any damages to properties while these samples are being taken.

There were questions and discussion on how to proceed.

Commissioner Willner asked Jim Lindenschmidt to notify Tom Bernardin of Bernardin Lochmueller & Associates, Inc. who is designing the road, to come over to the office to help solve this matter.

This was put under advisement at the February 23 meeting.

Commissioner Cox moved to go ahead and name these as follows:

Victor Funke - Appraiser, Ken Hanson of Citizens Realty - the Buyer.

Commissioner Willner seconded. So ordered.

RE: SCHEDULED MEETINGS

March 10-12	Purdue Road School	
March 10	4:15 p.m.	Auditorium Advisory Board
March 11	10:00 a.m.	Burdette Park

RE: CLAIMS

Commissioner Willner said he has no claims to present for the Board's approval today.

RE: EMPLOYMENT CHANGES APPOINTMENTS

Center Assessor

				Eff:
Angela J. King	245 Bayer Dr.	P/T Office		
		Deputy	\$35.00	3-3-87
Janet R. Stucki	5111 Pleasant Ridge	Chief Deputy	\$705.10	3-2-87
Rebecca Fulkerson	314 Jefferson Apt.A	1st Deputy	\$591.57	3-2-87

Area Plan

Beverly Kempf	1208 2nd Ave.	Zoning		
		Invest.	\$13,000.00	3-12-87

Circuit Court

Joseph Schaffer		Work Release		
		Guard	\$15,750	AN 3-26-87
Janet McConnaughay		W. R. Guard	\$20,180	AN 3-2-87
Michael Mattingly		W. R. Guard	\$ 1,091	AN 1-1-87
William Martin		W. R. Guard	\$ 1,091	AN 1-1-87
Dennis Heathcott		W. R. Guard	\$475	BI-AN 1-1-87
Roy Weightman		W. R. Guard	\$885	BI-AN 1-1-87
John Bushrod		W. R. Guard	\$250	BI-AN 1-1-87
Dallas Sprinkles		W. R. Guard	\$375	BI-AN 1-1-87
Stephen Fuchs		W. R. Guard	\$1,091	AN 1-1-87

RE: EMPLOYMENT CHANGES - RELEASES

CENTER ASSESSOR

Janet Stucki	5111 Pleasant Ridge	Chief Deputy	\$ 514.97	3-1-87
Rebecca Fulkerson	314 Jefferson Apt.A	1st Deputy	\$ 514.97	3-1-87

CIRCUIT COURT

Roy Weightman		W. R. Officer	\$ 500	AN 12-31-86
Janet McConnaughay		W. R. Officer	\$17,750	AN 2-27-87
Michael Mattingly		W. R. Officer	\$ 616	AN 12-31-86
William Martin		W. R. Officer	\$ 616	AN 12-31-86
Stephen Fuchs		W. R. Officer	\$ 616	AN 12-31-86

Commissioner Cox expressed concern about Joanne Matthews and hoped she got better soon and, also thanked Jo Ann Utley for filling in this afternoon.

There being no further business to come before the Board at this time, Commissioner Willner declared the meeting recessed at 4:50 p.m.

PRESENT:

COMMISSIONERS
Robert L. Willner
Shirley Jean Cox

AUDITOR
Sam Humphrey

COUNTY ATTORNEY
Curt John

COUNTY HIGHWAY
Bill Bethel

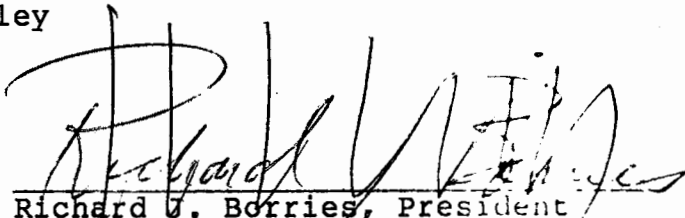
COUNTY ENGINEER
Andy Easley

BURDETTE PARK
Mark Tuley

BUILDING COMMISSION
Roger Lehman

OTHER
Jim Morley

SECRETARY: Jo Ann Utley


Richard U. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 16, 1987

The Vanderburgh County Board of Commissioners met in session at 7:35 p.m. on Monday, March 16, 1987, in the Commissioners Meeting Room with President Richard J. Borries presiding.

The meeting was called to order by President Borries. He expressed the Commissioners appreciation to those present for their attendance.

The chair entertained a motion to approve the minutes of the meeting held on February 17 and also of a Public Hearing held on February 23, 1987. He asked if anyone has any corrections or additions on these two sets of minutes at this time.

Commissioner Cox said it probably isn't a correction but that she mis-named a road in the minutes on the Public Hearing that was held on February 23, 1987 on Page 9, in the second paragraph, that the road is Meadowview rather than Meadowridge, but that she has no corrections to make on the Commissioners meeting of February 17.

Commissioner Cox then made a motion that the minutes of February 17, 1987 be approved as engrossed by the Auditor and to dispense with the reading of them. Commissioner Willner seconded the motion. So ordered.

Commissioner Cox made a motion to approve the minutes of the Public Hearing held on February 23, 1987, with the correction made on Page 9 of Meadowview and to dispense with the reading of them. Commissioner Willner seconded the motion. So ordered.

RE: REZONING PETITIONS

The meeting proceeded with Commissioner Borries explaining that the Commissioners have two first readings to consider this evening and he explained that this means the rezonings are first formally introduced at this meeting, that they will then be sent to the Area Plan Commission for consideration by that board and they are then sent back to the Commissioners for a third or final reading.

FIRST READINGS

VC-4-87 - Petitioner, William A. Hamilton: Common known address of subject property is 14901 U.S. 41 North and requested change is zoning from A to M-1. The land is vacant and proposed use is for Equipment Sales. The property is located on the east side of U.S. Highway 41 North, South of Baseline Road.

Commissioner Borries asked if there was anyone in the audience who wished to speak regarding VC-4-87. There was no response.

Commissioner Willner moved that Rezoning VC-4-87 be approved on First Reading and forwarded to the Area Plan Commission. Commissioner Cox seconded the motion. So ordered.

VC-5-87 - Petitioner, Jeffrey S. Kempf: Common known address of subject property is 1730-1736 Allens Lane and requested change in zoning is from A to C-4. The land is vacant and the proposed use is to allow future construction of a new office and warehouse building at the S.E. corner of Allens Lane and Myrtle Avenue.

Commissioner Borries then asked if there was anyone in the audience who wished to speak regarding VC-5-87. There was no response.

Commissioner Willner moved that Rezoning VC-5-87 be approved on first reading and forwarded to the Area Plan Commission, with a note depicting the problem we have on Allens Lane with no sidewalks, that a child was hit out there and we have had complaints about that area, and also to note that we should look at Myrtle Avenue because it is just a narrow gravel lane, that Myrtle Avenue will have to be upgraded to handle this rezoning since it could create a lot of big trucks and traffic along that area. Commissioner Cox seconded the motion. So ordered.

REZONINGS CONTINUED

VC-27-86 and VC-3-87 were continued by the Area Plan Commission, so they will not be heard this evening.

THIRD READINGS

VC-33-86 - Petitioner, Charles Greif: Common known address of subject property is 7731 Newburgh Road and requested change in zoning is from R-1 to R-0. The present land use is Home Occupation Office and the proposed land use is a Dental Office.

Doctor Greif explained that he presented a petition to the Area Plan Commission to rezone the area where he practices his dentistry office, from R-1 to R-0 and in order to do this he had his property surveyed and it was outlined and designated just where he has his dental practice, and in the presentation of his petition, he found that the R-0 zoning encompasses not only a professional office, which he had envisioned, but many other uses as well so before he presented his petition he got together with an attorney and tried to eliminate some uses which were objectionable and there still remains some debatable points, but it was approved by the Area Plan Commission. He said in that discussion it was mentioned by the attorney that he could bring a covenant to the abstract that eliminates some of the uses that were objectionable, also that some other points were brought up such as no alteration of the exterior of the building and another about altering the sign and they agreed to leave it as it is, so tonight he has that covenant and the attorney told him to bring it and to have it signed and notarized and to have it approved by the Commissioners, that he, his wife and the attorney have signed it. He said what he was trying to do and the reason behind it was because it was suggested to him by a real estate agent, that if he went to sell that building and in order to present it to other professionals, he should have an R-0 zoning, that the present zoning would make it very difficult if someone wanted to buy it, because they would then have to secure that zoning, so this is the reason he is requesting the rezoning, along with a suggestion by the bank, in case he would want to re-finance, which he had looked into and this was advisable, so he proceeded along these lines and requested the R-0 zoning.

Commissioner Cox said that in the Area Plan Commission meeting it was noted that the vote taken on the petition was taken subject to a covenant being recorded with an ordinance, including that the outside of the structure not be altered or expanded, and she asked Dr. Greif if he has a copy of it.

Doctor Greif gave Mrs. Cox a copy of it and said what happened is that in not altering the outside means don't paint it, don't put shutters or awnings on it, so they kind of arrived at a compromise that allows cosmetic changes but no structural changes.

Mrs. Cunningham asked Dr. Greif who the covenant is with.

Doctor Greif said it is with the neighbors within 300 feet East, West and North of his property.

Mrs. Cunningham said the neighbors would have to initiate the action if Dr. Greif moved and they would have to know of the covenant.

Commissioner Borries explained that this would be added to the abstract which states that the rezoned parcel shall not, during the period of this covenant's effectiveness, be used for any of the following purposes which would otherwise be permitted and it specifies the things it could not be used for, such as two family dwellings, child care nursery, colleges and university's, hotels and motels, etc. He asked what it could then be used for.

Mrs. Cunningham said it could be used for offices such as the following; an accountant office, architect, artist, attorney, bookkeeper, Chiropractor, podiatrist, contractor, dentist, draftsman, engineer, Interior decorator, etc., so it is mostly for professional offices.

Commissioner Borries asked if this then goes into effect only if Dr. Greif wishes to sell the property.

Attorney Brian Carroll, said that its recorded, it is in effect, that this was a negotiation of give and take, that Dr. Greif has signed the covenant and he has notarized it, so if the rezoning is passed he will have it recorded, and he thinks the covenant speaks pretty well for itself.

Commissioner Borries then asked if there were anyone in the audience who wished to speak regarding VC-33-86. There was no response. There were no remonstrators.

Commissioner Willner moved that VC-33-86 be approved subject to it being recorded. Commissioner Cox seconded the motion.

The chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The chair declared the petition approved by unanimous vote. So ordered.

VC-1-87 - Petitioner, Thomas R. Bernhardt: Common known address is 5901 Oak Grove Road. Petitioner is requesting a change in zoning from A to M-2. Present zoning is Agricultural and proposed use is for construction of a woodworking and formica assembly business.

Mr. Bernhardt said he is representing himself, his brother and his sister, and they are seeking to have a two-acre parcel of land rezoned from A to M-2, that this property is located on the south side of Oak Grove Road, West of Burkhardt Road. He said they are seeking to move their business which is known as the Top Shop which is a woodworking and formica laminating shop, to this new location because they want to double the space and make the operation more efficient. After further discussion and explanation, he said the biggest concern is probably the sanitation system, that he consulted with John Rexing, Engineer of the Water Department, who informed him that the closest sewer line is about 1,000 feet away and there are no plans at this time to extend this sewer to this parcel. He said there could possibly be some easement problems and there could also be some problems with the fall in the gravity system. He said he also consulted with Sam Elder who is the Director of the County Health Department, concerning the feasibility of putting a private septic system in and Mr. Elder wrote to him stating that the State Board of Health relays small commercial users back to the local Board of Health and as long as they comply with the state rules, they have no objection to the installation of a private septic system on the two-acre parcel, as long as it complies with the state board regulations. He said he also retained Jesse Crooks to draft the site plan to make sure that everything was in compliance with the State Board of Health regulations. He said they currently have eight employees and hope to have maybe twelve or thirteen over a period of years but it wouldn't increase the traffic substantially since this is a wholesale operation, not retail.

Commissioner Cox said the Urban Transportation Study has recommended that the 20 foot cut on Oak Grove Road should be widened to meet the 24 foot minimum curb cut, and she asked if this is a problem or if it is 24 feet now.

Mr. Bernhardt said "no", that the revised plan shows a 25 foot set-back and they only have one curb cut, that he has asked Mr. Crooks to propose specifications for a culvert into the parking area that is acceptable to the County Engineer, that it will probably be more into a range of from 30 to 40 feet wide because the road isn't very wide and it has to be so a semi that brings in their raw material can make the turn.

Mrs. Cox said her other question deals with his request for a variance.

Mrs. Cunningham said the revised site plan takes care of that so the variance is no longer necessary.

Commissioner Willner asked about the septic system.

Mr. Bernhardt said it will simply be for two restrooms, that they don't do any kind of manufacturing, that it is simply constructing formica laminate work such as is used in laboratories, hospitals, etc., and use of woodworking tools and power saws, that they will have a dust collecting system and exhaust fans, and there will be no outside storage because there is a lot of particle board and it can't stand to be out in the weather. He said it is their intent to get on the sewer as soon as possible, but it just isn't economically feasible at this time, that they hope to put a line in that they can tap into to and block it off until such a time as a sewer can be installed.

Commissioner Borries asked if there was anyone in the audience who wished to speak regarding VC-1-87. There was no response. There were no remonstrators.

Commissioner Willner moved that VC-1-87 be approved on Third Reading. Commissioner Cox seconded the motion.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared petition VC-1-87 approved by unanimous vote. So ordered

VC-2-87 - Petitioner, James K. Johnston: Common known address is 4500 Spring Valley Road. Petitioner is requesting a change from C-4 to C-2, to allow construction of apartments.

Mr. David Lamont, attorney for Mr. Johnston, said the property is approximately 745 feet west of the intersection of North Green River Road and Spring Valley Road. He said the Area Plan Commission unanimously approved this rezoning and they anticipate the use of apartments, that they don't have a site plan as yet nor have they put anything together for approval by the Building Commission. He said at the time they went before the Area Plan Commission, there was some concern expressed over this area as to whether or not it could handle additional apartments into the sewer system, so his client has been in contact with the Utility Administration and there should be a letter that was sent to Mrs. Barbara Cunningham from Jim McIntyre, stating that the tap-in fee that his client would pay for the proposed 36 unit apartment complex would be sufficient to upgrade the equipment at the pumping station to accomodate these apartments. He said if the Commissioners have any questions, he will be glad to answer them.

Commissioner Cox said she doesn't know if she has the right site plan or not but asked Mr. Lamont if he knows that a 20-foot green space is required on the south along Green Valley Road.

Mr. Lamont said he is aware of this and they will act on it when they come with the plans and meet with the Building Commissioner.

Commissioner Cox said the Commissioners have a copy of the letter dated March 11 from the Evansville Water & Sewer Utility which is a concern out in that area because of the overload of the present system and she asked Mr. Lamont if he knows this is supposed to be upgraded to handle it and to ease some of the other problems and to also handle redevelopment because the Commissioners expressed those concerns when this petition came before them for First Reading.

Mr. Lamont said he is aware of it.

Commissioner Borries asked if there was anyone in the audience who wished to speak regarding VC-2-87; Petitioner being James K. Johnston, or if there were any remonstrators. There was no response.

Commissioner Willner moved that VC-2-87 be approved on Third Reading. Commissioner Cox seconded the motion.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared rezoning petition VC-2-87 approved by unanimous vote. So ordered.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN GREENBRIAR HILLS

A letter was received from Greenbriar Development Corporation requesting that construction of sidewalks in the development along the cul-de-sac streets and one side of Bob Court Drive be waived. Mr. Marvin Huff was to have appeared for the Corporation to speak on this request but failed to appear, so this will be heard at a later date.

RE: VACATION REQUESTED ON PORTION OF ST. JOE AVENUE - 1ST. READING

The following notice was submitted to the Commissioners by Mr. Les Shively:

IN THE MATTER OF THE PETITION
FOR VACATION OF A PORTION OF
A PUBLIC RIGHT-OF-WAY, COMMONLY
KNOWN AS ST. JOSEPH AVENUE

NOTICE OF PETITION TO
VACATE A PORTION OF ST. JOSEPH AVENUE

NOTICE IS HEREBY GIVEN that a petition has been filed with the Auditor of Vanderburgh County, Indiana, for the vacation of the following portion of a road commonly known as St. Joseph Avenue, located in Vanderburgh County, Indiana, more particularly described as follows, to-wit:

A strip of right of way 45.00 feet wide lying westerly of and adjacent to the west line of Lot 1 in St. Joseph Terrace No. 3, an Addition lying near the City of Evansville, Indiana, according to the recorded plat thereof, as recorded in Plat Record Book K, page 37 in the office of the Recorder of Vanderburgh County, Indiana, described as follows:

Beginning at the northwest corner of said Lot 1; thence along the west line of said Lot 1:

1st: South 141.53 feet to the southwest corner of said Lot 1; thence along the westerly prolongation of the north right of way line of Glenview Street, 50.0 feet wide;

2nd: West 45.00 feet; thence parallel with the centerline of St. Joseph Avenue and distance 50.0 feet from said centerline;

3rd: North 141.53 feet to the westerly prolongation of the north line of said St. Joseph Terrace No. 3 Subdivision thence along said prolonged line.

4th: East 45.00 feet to the point of beginning.

The said petition to vacate the above-described right-of-way will be presented to the Board of Commissioners of Vanderburgh County, State of Indiana, at their regular meeting on March 16, 1987, Room 307, Civic Center Complex, Evansville, Indiana, for determination by said Board and ruling thereon.

Mr. Shively said he understands that this is the first reading and that the public hearing hasn't been scheduled as yet and he asked if this is correct.

Commissioner Borries said this is correct.

Mr. Shively said that before they filed anything, he talked with Mr. Andy Easley. He said he should first identify himself, that he is Mr. Les Shively who is representing Mr. & Mrs. Paul Nalley, who are seeking this vacation, and if vacated, this property would then become a part of the Nalley property and would then be subject to taxation and prior to this time that land wasn't providing any revenue to the County, so if approved, it will become part of their land and it will then be properly assessed for the increased land value. He said he talked with Mr. Easley before filing to make sure this would not interfere with any plans whatsoever regarding the expansion of St. Joseph Avenue, and Mr. Easley indicated that the 45 feet would be compatible with that. He said they don't want to create any problems in the future plans for expansion of St. Joseph Avenue and they would certainly, at that time, be minimal to any amendment to reduce that width, that they just want to add as much as they can get for the property without interfering with the St. Joseph Avenue road plan.

Commissioner Borries asked Mr. Shively if he knows the reason for their request for this vacation.

Mr. Easley said that Mr. Shively came in and said that in his client's opinion, there was an excess amount of right-of-way so they got out the improvement plans for St. Joe Avenue and everywhere else there is 50 feet on either side of the center line and this was correct, that in front of this one subdivision, they had dedicated 95 feet on the west of the center line so he told Mr. Shively that they could ask the Commissioners how they would react to a request, so there is an excess of ground.

Mr. Shively said one of the questions he thinks Mr. Borries is speaking to is if they are going to build a structure in that area, that they aren't, all they want to do is to increase the size of their lot, that they would

just like to have more green space around their lot, and if the Commissioners want more clarification, the Nalley's will be here for the public hearing.

Commissioner Willner asked Mr. Easley if he has looked at the entire corridor.

Mr. Easley said he can't say that he has, but he could look at the plans.

Commissioner Willner then asked if this is the property they bought for the four-lane and St. Joe Avenue.

Mr. Easley said that it isn't, that he thinks it was platted and was never purchased, that it is on the subdivision plat.

Mr. Shively said this is correct, that it was done at the time the developer platted the land many years ago, that it was reserved and never went on the tax roles.

Mr. Easley said he thinks Bob Meyers platted this subdivision, probably prior to 1960.

Mr. Shively said he will be more than happy to get a copy from the plat book for the public hearing, starting about one-half mile in either direction to show the Commissioners what subdivisions and roads are currently there, which might give them a better understanding as to how this fits in with the whole scheme of the picture, so he will be sure to have this information for the public hearing. He said he thinks it is important for the Commissioners to note that in the 1984 General Assembly when they updated our laws for the City and the County and they vacated public right-of-ways, regardless of what goes into the ordinance or petition, existing utilities, drainage and storm sewer type easements, sanitary sewer easements, all remain matter of record, so if the Commissioners approve this, it is subject to those easements remaining and this would prevent, every time we did something like this, of having the utilities to check their maps, and the General Assembly said, if vacations are made, all of these easements stay in place, so that is the way it is taken care of.

Commissioner Cox, for the record, asked if there are any other utilities that are located in this other than just a storm sewer, that she is thinking of along side the corridor on St. Joe Avenue.

Mr. Shively said he will check it out.

Commissioner Borries said then, that Mr. & Mrs. Nalley just wish to extend the green space on their property and they are aware that the ordinance states that there is 70 feet of thoroughfare set back from the center line and this is 20 feet of that and there will be no building at all, and they are going to maintain it and pay taxes on it.

Mr. Shively said this is correct.

Commissioner Cox said this will have to be advertised and a public hearing set and she thinks the hearing has to be ten days after the last publication.

Mr. Shively said he would like to make a suggestion that might expedite things, that he assumes the Commissioners might want to hold the public hearing when they handle the rezoning matters so they have an adequate public hearing.

It was noted that the next date for Rezoning Petitions to be heard is on April 20th. at 7:30 p.m.

Commissioner Borries said this will be advertised and the Commissioners will hold a public hearing on the evening of April 20th. 1987.

RE: VACATION REQUESTED ON PORTION OF SELZER ROAD - 1ST. READING

The following notice was submitted to the Commissioners by Mr. Les Shively:

IN THE MATTER OF THE PETITION
FOR VACATION OF A PORTION OF
A PUBLIC RIGHT-OF-WAY, COMMONLY
KNOWN AS SHORT SELZER ROAD

P E T I T I O N

TO THE HONORABLE BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY, INDIANA

Petitioners, Richard E. Jobe and Donna S. Jobe, husband and wife and Donald Dix and Kathy Dix, husband and wife, to your Honorable Board respectfully represent as follows:

1. That said Petitioners are resident freeholders of Vanderburgh County, Indiana.
2. That said Petitioners are the owners of the real estate described on Exhibit "A", attached hereto and made a part hereof, which is all of the real estate located along the west and east lines of said right-of-way to be vacated.
3. That the Petitioners respectfully petition that the Board of Commissioners of Vanderburgh County, Indiana, proceed as authorized by law to vacate a portion of that public right-of-way located in Vanderburgh County, Indiana, more particularly described as follows, to-wit:

A part of the southeast quarter of the southwest quarter of Section 55, Township 6 South, Range 11 West, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at the intersection of the northeast right-of-way line of Selzer Road and west line of Lot 12 in Wooded Acres Subdivision, as recorded in Plat Book H, page 121 in the office of the Recorder, Evansville, Vanderburgh County, Indiana; thence south 72 degrees 56 minutes east along the north line of Selzer Road 31.36 feet, thence north 00 degrees 07 minutes 39 seconds east a distance of 470.14 feet to the north line of Lot 12, thence north 88 degrees 52 minutes 17 seconds west along the north line of lots 11 and 12 a distance of 60.01 feet, thence south 00 degrees 07 minutes 39 seconds west a distance of 452.90 feet to the northerly line of Selzer Road, thence south 72 degrees 56 minutes east along said right-of-way line a distance of 31.36 feet to the place of beginning.

4. That at the present time the right-of-way requested to be vacated is not actually being maintained by Vanderburgh County or any other public agency and all maintenance thereon has been performed by petitioners who are presently the only property owners making any active use of same. That the right-of-way to be vacated has been allowed by Vanderburgh County and any and all other public agencies concerned therewith to fall into a state of virtual abandonment, as concerns the maintenance and repair thereof for a long period of time, that no other owner has performed any recent maintenance and, that the only other real estate which could have any conceivable interest in said right-of-way to be vacated is that real estate owned by the following persons whose address and ownership of land in the area is corresponding to the designation of ownership set out on Exhibit "B" attached hereto and made a part hereof.

5. That the petitioners are the only property owners actually using said portion of said right-of-way to be vacated, and that all other property owners in the area either are not using said right-of-way to be vacated for ingress and egress to their property and/or have alternate access.

6. That the petitioners have future plans for their presently owned real estate which plans may require the use of portions of said right-of-way to be vacated with their use of lands presently owned, and petitioners cannot properly formulate their future plans for use of said land until said right-of-way is vacated.

7. That the vacation of said right-of-way which is no longer being used and no longer affects any other owner in the area, would be of benefit to the community in that improvements made by petitioners in the area will increase property tax valuation of the County, and the vacation thereof would relieve the County of Vanderburgh from costly amintenance which could result in great expenditure to the County if said right-of-way were maintained properly as a county road.

8. That the general location of said right-of-way to be vacated is shown upon and marked on Exhibit "C", attached hereto and made a part thereof.

WHEREFORE, petitioners respectfully pray that the Board of Commissioners of Vanderburgh County, Indiana, take all necessary steps to properly vacate said public right-of-way in the manner as by law now provided.

Respectfully submitted,
Johnson, Carroll and Griffith
Professional Corporation
By Leslie C. Shively

Mr. Shively said the clients he represents own lots 11 and 12 here and if vacated, half of this goes to lot 11 and half to lot 12. He said this isn't necessary for access to any lot within this particular subdivision, that all lots are served adequately by Slezer Road. He said this was platted many years ago and as the lots were sold and the land developed, there was never a necessity for that road to be expanded, that it was never purchased by the county, that it was simply dedicated when it was platted and these people just want to have it vacated to increase the size of their respective lots, that this property will then go back on the tax roles.

Commissioner Cox said what they are doing is dead-ending and she asked Mr. Shively if he has any idea why the developer didn't go on and extend that road.

Mr. Shively said he has no idea, that it has been platted for several years. He said this vacation, for the record, will simply legally take over the area, these people have always maintained it, that it isn't very public and is somewhat a secluded area and the only reason people would be coming back there would be because they live there or friends visiting them, so the only thing they are really doing with this particular property is putting it back on the tax roles.

Commissioner Cox asked if there are any easements or anything going along there.

Mr. Shively said the drawings show no easments but if there should be any that were missed by the engineer, they would automatically remain in place.

The Chair asked if anyone had any questions for Mr. Shively. There was no response.

Commissioner Borries said this will be advertised and the Commissioners will hold a public hearing on it at the Commissioners meeting of April 20th. 1987.

Mr. Shively said he will have a copy from the plat map for the Commissioners when the public hearing is held, so they will have a better idea as to how these vacations fit into the picture.

RE: EVELYN BURGDORF PETITION SUBMITTED ON UNION TWP. SCHOOL PROPERTY

Mrs. Burgdorf said she is speaking on behalf of the Burgdorf's and their neighbors of Union Township and they are concerned about the property known as Mr. Biggerstaff's and the Union Township School Corporation being used as a dump. She said she has given the Commissioners a copy of the petition, and the neighbors are all in agreement that this place needs to be cleaned up, that it is an eye sore and a nuisance, also life threatening. She said by that she means, in August of 1986 a bull chased Mrs. Burgdorf through the yard and into the house and she is in her 80's and should not have to be running, so they wondered if the Commissioners would like to inspect the property to see the condition of it, to see that it is cleaned up so that it looks as nice as the rest of the farms in Union Township because right now, it is a dump, that he also has animals, inadequate fencing and the animals roam at will and the dogs run in packs. She then submitted pictures taken of Mr. Biggerstaff's property and said this all started back in 1984 and was brought to light by the news media but nothing has been done and nothing has been enforced.

Sheriff Shepard said that a few days ago, the Board of Health went out there and removed some dogs from the property and took the live animals to the Dog Pound.

One lady in the audience said they didn't take all of them, that there are still several out there.

The Sheriff said they took the ones they could catch, that they would have to get the Board of Health out there again.

Commissioner Borries said that Ms. Behme is going to get Barbara Cunningham of the Area Plan Commission to come over here to hear what she has to say.

He asked, for the record, that all those residents concerned on this matter to please stand up, and there were about thirty people to respond. He said he remembers meeting with the residents on this problem before and of taking a tour through Mr. Biggerstaff's property and he must say that it was a real trip, that it is one of the more unusual ones he has been through, and he certainly sympathizes with the neighbors and he would say that in this year of the Two Hundredth Anniversary of our Constitution we wrestle with property rights and being good neighbors, and he would certainly concur with the people here, that his observation back in 1984 was that it was an appalling situation. He said that because of this matter, he ended up in court, as did Commissioner Cox, and he commented to Commissioner Willner, today, that he was spared this but he believed it was Commissioner Willner's suggestion that they go out and observe the problem.

Mrs. Burgdorf said the stench is so bad that it compares with the west side sewage plant, that they can't even have a picnic outside and it isn't even a pleasure to be outside at any time.

Commissioner Borries said he had driven by there a few times after that to see what had happened, that Judge O'Connor had the matter and he doesn't know how it was disposed of.

Mrs. Cunningham then appeared and said that the Judge filed an injunction for Mr. Biggerstaff to clean the mess up, that she had it checked a few times and that he did do some cleaning up on it. She said they got a petition with many names, stating their concern and in checking with the office, she thinks it is the first call they have had on it since then, that she also got a letter saying this was happening again, and at that time they went out there, that she then called Mr. Elder of the Health Department, that he sent the dog pound out and they did go out and round up the dogs and they also picked up a dead dog, and they also sent this information to their attorney and asked him what they might do as to the disposition of this problem. She said she talked to Attorney Wallace this morning, that they haven't talked to Mr. Biggerstaff but she must say that he tried to get in

touch with her today, that perhaps he is trying to resolve something, so she told her employees to tell Mr. Biggerstaff and to inform him by letter, that he must clean it up at once or they will go to court and find him in contempt of court, so this is what they plan to do. She said they hadn't determined a time frame, that all of them have visited this place in the past except for Mr. Willner, so perhaps he would like to go out there.

Commissioner Borries said that Commissioner Willner was there but didn't stay.

Mrs. Cunningham said she thinks there should be a time frame given to Mr. Biggerstaff for him to clean it up and if it isn't cleaned up in that given time, they will go to court, but he did clean it up at one time.

One neighbor said someone requested that he have adequate fencing or not be allowed to keep livestock or dogs on his property, that he has animals of every size and kind.

Commissioner Willner said he thinks it is deplorable, and he supposes that we have to laugh at ourselves and it isn't funny at all, but something new has been added and he would say that if anyone goes down there, that they shouldn't wear anything red.

A gentlemen in the audience said that Mr. Biggerstaff was told to clean it up the last time, and all he did was to move his vehicles and there is still one out there unless he sold it, that it is sitting over on Mulzer's property and it has been sitting there for two years and he doesn't know if he had permission from them to park it there or not, but he just moved the vehicles from one place to another and he moved a bus he had to some relatives place, that he just eventually moved all of the junk back there again.

Commissioner Cox said she believes the Commissioners, as a body, has agreed that it was appalling and deplorable when they made the trip down there, so they can't imagine what it is to have to live with this thing day in and day out and she would think the stench will just get worse as we get into spring and something should be done about it immediately, that she wouldn't go more than a thirty-day notice.

Mrs. Cunningham said she suggested a week or two weeks, and Commissioner Cox said that is even better.

A lady in the audience said this has been going on for several years and there is must no cooperation at all and if anyone speaks to him about the problem, they will think he is going to do something but he doesn't do a thing.

Commissioner Borries said he talked to him and for every question, he has an answer for it, that he had a pile of glass and said he was doing everyone a favor by doing this and he sold it, that he was going to fix everything up, that he asked him when he was going to do that, and he said when he got some money. He asked him what is going to be and he said soon, but he had an answer for everything, that it is a frustrating thing.

Another person in the audience said, that maybe he has an answer then for the mess that blows into his neighbors fields all around him, for it to be contained would be one thing but it isn't, that it is all over the fields.

Commissioner Borries said the thing is that there has been a judgment against him in court and from the pictures presented, he is back in the business of what he was doing before, that he would be happy to go down there and go through it one more time with him and the Commissioners will do anything to make these people feel better, and he doesn't want them to think the Commissioners are ignoring it, so they will pursue it again in court, if necessary, and as Mrs. Cunningham has pointed out, we will say that if he doesn't do this in the time frame he is given, then we will hold him in contempt of court, and it is up to the judge at that point, to tell him

what to do, fine him or whatever, because it just has to be cleaned up, it is a disgrace to this county and to the area because it is full of well-kept residences and fields and we do have to respect each others rights and in this case, he certainly doesn't think Mr. Biggerstaff has respected their rights and the Commissioners will pursue this again. He said we will have to do it legally and he knows the Sheriff will do what he can but he must do what the Judge tells him to do, so we will inform the court that we think there are violations and give Mr. Biggerstaff what we think is a reasonable amount of time and if he doesn't do it, hopefully, the Judge will say he is in contempt of court and get this thing settled, that he knows it is frustrating.

Commissioner Cox said the last time the Commissioners went through this, she even asked the neighbors if they would be willing to help him clean it up and they said absolutely, so if he can't afford to haul it off himself, there will be plenty of people willing to help.

Commissioner Borries noted that Mr. Lindenschmidt said that Mr. Biggerstaff was in the Commissioners office today on this matter, and he said that he thought a neighbors dog had caused the death of his dog on his property, also that he hasn't had time to do anything because he has another job. He said the Commissioners are going to get on this thing again and he thinks the only way they are going to see a change is to keep on him, so don't hesitate to call and register any complaints, that this is what the Commissioners are here for, and the Commissioners will get back with them, and hopefully, we will win, that this is a very unusual situation.

Commissioner Cox said it is an aggravation for the people down there because they do keep their property nice and they keep the grass mowed when it isn't in crops and when it is, animals are running through their crops, and debris that they have to stop and pick up, so she has sympathy for these people, to have to live with it day in and day out.

Commissioner Borries said he appreciates everyone coming down here this evening and let us hope we can get this thing straightened out.

RE: SHERIFF SHEPARD - REPORT ON HARMONY WAY

Commissioner Borries said that Sheriff Shepard is here this evening to give a report the Commissioners had asked for on a situation out on Harmony Way.

Sheriff Shepard said he had a request from a neighbor at 2829 Harmony Way and he submitted a report to the Commissioners. He said he went out there after being informed of the situation and the fact that there has been a couple of accidents out there already this year and a number of accidents out there last year, also a mail box was knocked down out there yesterday morning. He then explained that the two accidents out there this year were serious and both were Northbound, one on January 10th and the other one on February 1st and the cars spun around and landed in the trees directly in front of 2829 Harmony Way. He then submitted some photo's and said it seems that if it wasn't for these trees, the house at this address would have already had two serious damages to it. He said they surveyed it and ran the radar between 7 a.m. and 8 a.m. during this period. The report he submitted reads as follows:

SUBJECT: High Accident Area Of New Harmony Road at Westwood Drive

Dear Sheriff:

The following report was compiled by this Officer and Officer Steve Moser between March 10, 1987 and March 13, 1987. The data collected contains a detailed drawing of New Harmony Road just north of Rose Avenue and just south of Allens Lane. Photographs taken are marked as to location of the picture. Radar was run in the morning hours between 7:00 A.M. and 8:00 A.M. During this period speeds were clocked between 28 M.P.H. to 48 M.P.H. Average speed for the period was 38 M.P.H. in a posted speed zone of 30 M.P.H.

Conclusion: It was found that the road within this area was only 21' with 2" to 4" shoulder edges. Also 2' to 5' loose rock and gravel along these edges would cause a vehicles right tire to catch the edge of the road and it would be difficult in retaining control (trying to get back on the road surface without going into a slide.)

Respectfully Submitted
Officer Bruce Crider

Sheriff Shepard said the road is 24 feet wide and in the turn section it is 21 feet wide with a 2 to 5 inch drop-off from the top of the pavement, that the path on either side of rock and gravel had been pushed back. He said the residents suggested that a guard rail be placed in front of their property. He asked Mr. Easley if it would be best to install a guard-rail or would it be more feasible to widen the road on each side and make it 25 feet.

Mr. Easley said he looked at the curve twice and reviewed the criteria for the installation of guardrails but he understands that the two drivers weren't driving under normal circumstances.

Sheriff Shepard said one was arrested for drunken driving and the other one was eating a hamburger and just lost control of her car.

Mr. Easley said as far as curves are concerned, there are a lot in the North end of the county such as on Darmstadt Road and Petersburg Road and probably other narrow roads, but it is his concern that if someone loses control of their car and hits the guardrail, they might be more severely injured than if there were no guardrail there, that this is his concern.

Commissioner Willner said what the guardrail would do is to reflect them back in the other lane of traffic and could kill the people in it, and he wants everyone to understand that when the Commissioners put up a piece of guardrail, then we are liable for that guardrail, that it is part of the road system, that it is just like the stop light that the state put up on Highway 41 at Busler's Truck Stop. He said this light caused more accidents than if they left it alone and the same way on Highway 66, so the Commissioners are then liable and the Federal Government puts out a guideline for guardrails, so if they allowed them, and we met the guidelines and put the guardrails up, then we would all be protected by the guidelines if we have to go to court, but if we put up the guardrails against the federal guidelines, then if we have to go to court on an accident, they will say, the Commissioners shouldn't have put that guardrail up, so if we don't have the federal guidelines to back us, then we are wrong all the way, so what they are asking the Commissioners to do is to break the law and take the consequences if there is a lawsuit and this could run into millions of dollars, so it isn't a subject to take lightly.

Mr. Long said he isn't asking the Commissioners to take it lightly but it is a shame that they live there and are afraid to let their children sit in the front part of their house, that these cars aren't stopping in the street, that they are coming between the trees and the house and the last one was within six or eight feet of coming into his bedroom window, but if there had been a guardrail there, the car wouldn't have come that close to his house. He said they have small children out there and a guardrail would keep the cars from coming into their houses.

Commissioner Borries asked if there were additional signs they could put up in that area in terms of visibility, or street signs. He said he believed if they could reduce the speed out there, it would help, but it is unfortunate in this day and age but obviously if you put it at 30 M.P.H. there are a lot of people who will go 40 M.P.H. and he asked what a reasonable speed would be to go around that curve..

Commissioner Cox asked Mr. Long how long he has lived at this location and Mr. Long said he has lived there for three years.

Commissioner Cox then asked Mr. Long if they have had this problem for the whole three years, and Mr. Long said it just hasn't been as bad as it is now.

Commissioner Cox then said that nothing would keep him from going outside that 50 foot Right-of-way and putting up his own guardrail.

Commissioner Willner said he can't do that legally, that he could do it but then if someone hit them it would be his fault and not the cars fault, but if he put it on his property and a car hits it, then he could get restitution for that too, and if someone goes on private property, whether he is drunk, eating a sandwich, or whatever, he must pay for destruction of property.

Commissioner Cox said that you can't pay for a life though.

After further discussion, Commissioner Borries said what he sees here is what they have done on a plan of action to get something done, that the Sheriff has already stepped up enforcement and he asked the Sheriff if he is going to continue doing this, and Sheriff Shepard said, "most assuredly."

Commissioner Borries said he would like to request that the highway department widen the shoulder and taper it out and blacktop it so there will be a wider surface, that he would like to see several additional speed signs installed in the area and decrease the speed limit, that it should go down from 30 M.P.H. to 25 M.P.H. He then asked if there is some way we could look at putting a berm on the shoulder.

Mr. Bethel asked Commissioner Borries how much wider did they want the road to be there.

Commissioner Borries said he thinks it should be widened out to 24 feet and then they could taper it out, so people could at least keep control of their cars.

Commissioner Willner said they should put a white line on the outside shoulder so they can see it at night, that is, after the shoulder is widened.

Commissioner Cox said we then need to amend our speed ordinance so it can be enforced by the Sheriff.

Commissioner Borries said the Commissioners appreciate Mr. Long's patience and concern on this and also the Sheriff for his patrol work, that they did a good job of documenting what is going on out there. He said a lot of it has to do with the site, the shoulder, excess speeds at night, and drunken driving which we contend with every day everywhere, which is unfortunate but if we can step up the enforcement, lower the speed, widen out the shoulder and add white lines, hopefully this will take care of the problem.

Mr. Long said he thinks what the Commissioners have outlined here should be a great help but he would still like for them to look into the possibility of guardrail, that whatever the Commissioners can come up with, he appreciates, because it has to be better than what they have now.

Commissioner Borries told Mr. Long that the Commissioners are in contact with state and federal people so someone at the State Highway might be able to give them a judgement on whether they possibly could install some guardrails along there, but the Commissioners agreed that they have taken some positive steps here, but if they could get past this liability question that Commissioner Willner has raised, then that would be "yes" or "no".

Mr. Easley said he shares Commissioner Willner's worry about the liability because he finds more and more, that many times when they get involved with a lawsuit, the attorney that files it knows more about the law and regulations than we do and he really thinks we have to protect ourselves and the regulations say if there is a deep ditch, more than a certain depth, etc. then it is more dangerous to go over the edge and you should be stopped before going over the edge, that this is what their concern is and he thinks those regulations are written to say why, that we read everyday where people run onto someone's front porch and usually no one is injured. He said he will do more research to see if he thinks there is any justification for deviating from it but he is reluctant to recommend it.

Commissioner Cox said she thinks their specifications are devised and certainly not for the houses along the route and she doesn't think they would be much help here, and of course, we have guardrailed areas where the federal government doesn't require guardrails, that they just did that out on Burkhardt Road.

Commissioner Borries said they will do some research on it, take these steps and will continue to work with Mr. Long on this problem and hope that they will resolve it.

Mr. Long asked if when this comes before the Commissioners again, could he be notified.

Commissioner Borries said certainly, that we will be glad to do that and we will ask Mr. Easley that if he finds some additional information on those guardrail standards, to let us know and if he has something additional to report, we will certainly inform him.

Commissioner Cox asked if they determined the speed for that area.

Commissioner Borries said he suggested 25 miles per hour, just to throw out for discussion, so whatever they want to do on it, they will. He asked the other Commissioners if this is agreeable with them.

Commissioner Willner said he isn't sure that is the right answer but that is fine, and it was also agreeable with Commissioner Cox. He asked Sheriff Shepard, just for his information, how old were the drivers that had the accidents.

Sheriff Shepard said one was 30 years old and the other one was 22 years old.

Commissioner Borries asked Attorney Casey to forward the information where we want to change the speed limit because we will need an ordinance to do that.

After further discussion, it was decided that the 25 miles per hour should be 600 feet North of Westwood to 1200 feet South of Westwood.

RE: MS. CONNIE DAVIS - HILLCREST-WASHINGTON HOME

Commissioner Borries said that Ms. Connie Davis, Interim Administrator of Hillcrest-Washington Home is here this evening to give her report and that he appreciates her waiting so long. He then asked Ms. Davis to give us her preliminary recommendations for the Child Residential Services at the home, and he asked Jim Casey, who is our acting attorney this evening, to bear with us on it.

Ms. Davis appeared and said these recommendations are based on the findings of the United Way Study Committee, to incorporate the capabilities of the home as it now exists and the potential capabilities of service it could develop over a one to three year period. The Study Committee's survey results indicated that needed public, tax supported residential services for children included, in order of importance; "1) Emergency Shelter; 2) Residential; 3) Residential Treatment Center; 4) Detention Facility; 5) Group Home."

Currently Hillcrest-Washington serves as an Emergency Shelter and Residential Center, although as noted in the Study Committee's report, these services are blurred with no delineation made between them for housing or service purposes.

Based upon my experiences at Hillcrest-Washington Home during this 2½ months interim period, the guidelines developed in the Study Committee's report and consultation with representatives from the Child Welfare Social Service Division of the Indiana State Department of Public Welfare, the Indiana Association of Child Care Agencies, Inc., and local child care professionals, I would recommend that the Commissioners consider the following:

1) A private agency be contracted with to provide those services at Hillcrest-Washington Home which are determined by the County Commissioners to be of the highest priority within the continuum of child care needs, and that public funding for residential services by the County be maintained. However, an

important financial consideration in the selection of the agency would be that the provision of psychiatric, psychological and therapeutic services be covered or partially covered by other revenue sources such as Title XX, third party insurance payments or private resources.

2) That an oversight advisory committee be appointed by the Commissioners to assess the services provided by the contracting agency and report back to the Commissioners on the progress, implementation and provision of the services.

3) That long range planning (2-5 Years) include: Provision of an on-grounds school; Confinement Rooms; Vocational testing and counseling; A diagnostic testing and assessment component; A follow-up family services unit to work intensively with families or foster families during the child's stay and up to one year following the child's placement in the home.

An authorized private agency, with experience in the field of child care, could more quickly and effectively provide those services singled out as important to the continuation of child care in Vanderburgh County.

Currently, the County personnel and budget restrictions do not easily accomodate the emergency situations which frequently and unexpectedly arise in a child care facility. A private agency could offer greater flexibility in development of personnel and expenditure of funds for needed programs.

Political involvement in the United Way Study and in the Media, would be curtailed. The public could better be assured that staff hiring and other actions would be based upon the needs of the children rather than political patronage or influence.

Finally, many procedural and staff changes need to be made. A private agency, with established policies and procedures related to the care and treatment of children could more easily, and probably more effectively, superimpose them upon the existing staff. The Home has been run by a hodge-podge of rules, outdated practices and undertrained staff. Immediate introduction of tested, workable methods, already in place in a contracting agency, would more quickly facilitate the effort to provide better care for the children housed at Hillcrest-Washington.

If the County continued to run the home, and appoints a board, as recommended, to carry out the functions of running the facility, the board would necessarily expend more time to develop proper child care policies and practices. They would also need to rely, almost extensively, on contractual services to insure that the existing staff receives training sufficient enough to insure quality care.

These recommendations, as you know, have been hurriedly compiled so that you may begin to formalize the direction Hillcrest-Washington Home will take. More specific recommendations will follow after the County Attorney has had an opportunity to review them and determine their legality. Also included will be a narrative with a description of the recommended services and why they have been made.

As you are aware, my last day at Hillcrest-Washington Home is 3/31/87. The home must have a Superintendent in place in order to retain their State license. I urge you to take this time frame into consideration as you are making your decision about the home.

Signed Connie Davis, Interim Superintendent

Commissioner Borries said the Commissioners appreciate Ms. Davis submitting this report. He asked if there were any comments or questions by the other Commissioners.

Commissioner Willner said he doesn't think there is anything in this report that is impossible to do and he thinks it is long overdue, also that he appreciates the work of Ms. Davis.

Commissioner Borries said he has some real regrets at this point, about the inability to pay Connie Davis what he feels she is worth in terms of her professional background and that is why he had written to the Commissioners last week when he was out of town, to ask her to move ahead with these recommendations and he thinks they are well written, that she has had a very difficult time in this situation and has done a marvelous job because of the difficulties they have had with the transition, that it hasn't been easy, but what the Commissioners have tried to do is to allow her, in this difficult time, to survive to get her thoughts organized and above all, that we have unanimous consent as to what we want to do here and that is to offer the best possible care for children in the community, that there is a need for a home. He said he did meet with state welfare officials today, individually, and they indicated a concern about the future because they too have been most supportive in what we have tried to do here and he thinks their main concern is that there are needs in the community and perhaps as we make these changes throughout Southwest Indiana, that there is a need for emergency shelter and the care of children, that Connie has outlined, so he hopes we can do this as quickly as possible. He said that Connie has made the Commissioners aware of when her last day is and he really hesitates to ask her to stay beyond that point, but he would say that on an emergency situation until we get the matter resolved, he wouldn't want to change administrators at this time, so he may ask her to consider the sacrifice that the Commissioners have already imposed upon her, for maybe a short time, if they can't meet the March 31 deadline, but hopefully, if the attorney can review what she gives to him, we could advertise and then ask her to help us as we would consider the proposals that we have and if they meet the guidelines she has set out.

Commissioner Cox said her only comment here would be that she feels we also need to share this report with the Vanderburgh County Council, that they have shown an intensive interest in the Hillcrest-Washington Home situation and she would like for them to have the opportunity to read through the report so she would like for a copy of it to be available to each council member.

Commissioner Borries said, absolutely, that they each should have one because of their funding, that it is vital for them to be informed and know about it. He asked Connie if she has had any visitations from any of the council members, that he knows Councilman Elliott has expressed some interest, and he asked if any of them had asked to review her budget in terms of expenses that they have already approved.

Ms. Davis said she hasn't talked to any council people.

Commissioner Borries said that is a bit disappointing because they do have the funding responsibility and as the report had indicated, in the previous budgets, there was just a lot that hadn't been spent and we know that her population fluctuates, that they don't always have the same number but we also know that there are a number of children who do go through there on a short-term basis and those are the ones we need to try to help and treat in a better fashion than what has been done, and again, he would like to thank Connie for what she has done. He said what we want to do is to provide them the best care and take this out of the political arena and to offer a highly trained staff such as people like herself that would do that, and in relation to budget restrictions and County government, the way they have to operate, highly qualified personnel is just not a reality from time to time and these children are going to be with us for a long time. He said he personally thinks this is a good way to go and he wants to tell Connie how much he appreciates all she has done.

Ms. Davis said she wishes to thank the three Commissioners for going forward and trying to look at what the needs of the children are in Vanderburgh County and make a better position for them, that she thinks this was an excellent step and she hopes it continues, that all three Commissioners are to be commended for it.

RE: COUNTY ATTORNEY

Commissioner Borries stated that Jim Casey is here with us this evening, filling in for the County Attorney and he asked Attorney Casey if he has anything to report.

Attorney Casey said that Attorney Miller didn't give him anything to report back to the Commissioners but that he did speak this afternoon on another county related matter with Attorney David Jones, that he was advised that Attorney Jones was in receipt of a tort claim notice that came to his office today, but hasn't as yet been forwarded to the Commissioners, so he imagines it will be here for the next meeting.

RE: COUNTY HIGHWAY - BILL BETHEL

WEEKLY REPORTS/ COUNTY GARAGE AND BRIDGE CREW: Mr. Bethel submitted copies of the Weekly Absentee Reports for the County Garage employees and Bridge Crew for the period of March 9 thru March 13, 1987.....Reports received and filed.

WEEKLY REPORT/COUNTY GARAGE: Also submitted for the same period was the Weekly Work Report for employees at the County Garage.....Report received and filed, Attached to the Work Report was the following Work Schedule:

GRADALL: Darmstadt Road and Old Princeton Road

PULL SHOULDERS: Orchard Road and Boonville-New Harmony Road

PATCH CREW: Mt. Pleasant, Kansas, Upper Mt. Vernon, Mill Road and Mill Road

TREE CREW: Seib Road and Mill Road

Run barricades, swept Boonville-New Harmony and worked on paver.

WORK REPORT/BRIDGE CREW: The Bridge Crew replaced a culvert on Darmstadt Road and on Old State Road.

Our crews rip-rapped Darmstadt Road with 53's.

Installed Drop Box on Mesker Park Drive.

Cleaned bridge at Nisbet Station

Rip-rapped Boonville-New Harmony

Cleared log jam on Pigeon Creek and Cleaned the yard.

Commissioner Borries asked if anyone has any questions of Bill.

Commissioner Willner said he has one thing, that Darmstadt Road and Old Princeton Road are due to be paved this year, that we have a corner in there that is the most hazardous in Vanderburgh County, with cars running into their homes, that a car ran into the side of a garage, through the garage, out the other side and continued on down the highway, that this is a fact.

Commissioner Cox asked Commissioner Willner if this happened at his garage.

Commissioner Willner said "no", and Commissioner Cox said that one is for him not going to Union Township, so they are now even.

Commissioner Willner said he believes they can reconstruct that corner before the two roads are paved for a couple thousand dollars if they just do it now before that road gets paved so what he is asking is if either Mr. Easley or Mr. Gwinn goes out there and draws us up a plan of action, buy some ground and straighten that intersection up before the roads get paved. He said we have a water problem and road problem there and there is no use paving it until we get it taken care of, that this was supposed to have been done four years ago, but we didn't do it, so now is the time, that we will probably have to buy 1/2 acre of ground.

Mr. Bethel said this can be done and all he needs is a simple sketch, that the county highway crew can do it.

Commissioner Willner moved that the County Highway Engineer to submit a report and a sketch of what needs to be done and present it to the Commissioners very quickly. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he doesn't have anything that demands the Commissioners attention tonight, unless the Commissioners have any questions. He said that Mr. Gwinn will testify that he did discuss the intersection of Darmstadt and Old Princeton Road with him this afternoon.

Commissioner Borries told Mr. Easley that he has one item, to just let him know that he gets calls from time to time from Mr. Gene Adler who has expressed some concerns and dissatisfaction with the ditch situation along Mann Road, but he was out of town last week and couldn't meet with him, but he is going out there Saturday morning at 10:30 so he is going to meet with him.

Mr. Easley said he would be glad to go with him.

Commissioner Borries said he will be glad if he wants to go out with him, but he doesn't expect him to do this on Saturday. He said Mr. Adler had some concerns and we have tried a lot of things out there and he would sure like to get something done.

Mr. Easley said he has a proposal on his desk to put in concrete erosion control paving, that he will put it on Commissioner Borries desk, that it is to be done in a similar matter as to the way they did the Hillcrest Home repair, with estimated amount of concrete and so much labor to place it, not to exceed a certain amount, that he has been in the bottom of the ditch and measured it with the same contractor and he would like to do it in that manner, that it will probably cost about \$5,000 to put the slope paving in.

Commissioner Borries said that if Mr. Easley wants to go out there, he can meet him at Mr. Adlers at 10:30 a.m. on Saturday.

Commissioner Willner said one thought, along those lines, if he could have the county gradall deepen the westerly approach 8 inches, that the west end is 8 inches too high which might be from silting, but they need to dip out 8 inches before they put the retaining wall in, that there is water in there that isn't running out.

Commissioner Cox asked if we have a report on the Geo-tech problem on the Boonville-New Harmony Road and are we progressing on that.

Mr. Easley said he was in Tom Bernardin's office this afternoon and they have been in a couple of discussions about the problem of getting the soil boring rig in there. He said he asked Mr. Bernardin to set up a meeting with the property owner that is objecting to the rig going in. He said they all agreed that under the Indiana laws that he has the right to inspect and evaluate the right of way that is going to be obtained for a road but they would like to have the concurrence of the people if at all possible, without taking four weeks to get it, so Mr. Bernardin is going to set up a meeting, probably this week, early some morning, so he has agreed to meet whoever he wants to send, that the state has now agreed that the soil boring rig can get further away from the abutments as originally planned, that they want to cut a tree down so they can drill a hole right where the abutment is, and he expressed the opinion that the soil in that area probably didn't vary that much and they wouldn't have to get right on top of the abutment unless they are looking for a rock depth, so he thinks the state has agreed with that philosophy, so maybe they have a solution to the problem, but this does need to proceed.

Commissioner Cox said "yes", because they are going down 30 feet, 50 feet, etc. in some of the different areas, so there will have to be permission and that company released of any responsibility.

RE: MONTHLY REPORTS

Monthly Reports were submitted by the County Treasurer and also from the Clerk of the Circuit Court for the month of February. Reports received and filed.

RE: ORDINANCE FOR INVESTMENT OF SELF INSURANCE FUNDS

An Ordinance was submitted for the investment of Self Insurance Funds for the Commissioners approval.

Commissioner Willner moved that the Ordinance be approved. Commissioner Cox seconded the motion.

The Chair called for a roll call vote, as follows: Commissioner Cox, "yes", Commissioner Willner, "yes", Commissioner Borries, "yes". So ordered.

Commissioner Borries explained that this allows us to put these funds in an account which stays there but allows us to meet our requirements regarding our Self Insurance funding in the County for liability, that this is to be advertised and then heard again on final reading.

RE: CERTIFICATES OF INSURANCE

The following Insurance binders cover the following for performances to be held at the Vanderburgh County Auditorium:

From Jesse Stock Insurance, Inc. on insured, Aiken Management Corporation for the show, "Dream Girls, that was held on March 10 and 11, 1987.

From the Helfrich Insurance Agency on insured, James Angermeier for a Wedding Reception to be held on June 27, 1987.

From Bayer Insurance, Inc. of Mt. Vernon, In. on the Employee's Activity Association, Inc. for a get together on April 4, 1987.

From Schultheis Insurance Agency, Inc. on the First District Medical Assistants for a card party to be held on March 19, 1987.

From Albert Rueben & Co., Inc. of Beverly, Ca. on the Jam Productions, Ltd. for the Act of Arlo Guthrie & John Prine to be held on March 24, 1987.

From Gaslin Insurance Agency, Inc. on No-Ruz Grotto on the Country Western Show to be held on March 19, 1987.

From Rothchild, Bell & Walseth, Inc. of St. Paul, Mn. on the Vee Corporation for the showing of Sesame Street to be held on March 31 and April 1, 1987.

Certificates of Insurance noted as being received and filed.

RE: OLD BUSINESS

Commissioner Borries said that under Old Business he has two things, and that maybe the other Commissioners have something.

He said the first thing is that before he went to Washington last week, in some of his concern and frustration, he had written a letter to personally ask the Speaker of the House, Jim Wright, to do something about the highway bill that was bottled up, and construction season is nearing, particularly with the Lloyd Expressway and other projects we have planned, that it was just vital for them to maybe separate the 65 miles per hour speed limit, seat belts, and whatever out of that bill so highway funding could get going. He said he would doubt that his letter had any impact but when he got in Washington on Tuesday, he did find out that it looks like Congress is going to move on the Bill this week, which is at least going to insure the funding and perhaps separate some of the other items that they can't agree on, out of that bill, however, he does feel that, particularly with the Green River Road situation and the plans we have for Green River Road on the improvement, he would like to hear at least a recommendation this evening for acceptance for a proposal to begin that project, that this is a critical one and the earlier we get on it, perhaps some funding can be insured for this particular project.

Commissioner Willner said he will comment on the Road School a little later on and also on the Auditorium, that there has been some late developments and he assured the people that he would talk about it, but first wants to make a motion for Green River Road.

RE: CONTRACT AWARDED ON GREEN RIVER ROAD

Commissioner Willner moved that the contract on Green River Road be awarded to United Consulting Engineers, that their bid was one of three that was studied and he presumes they aren't ready to award a contract on the bridge as yet although he would like to do that too. He said the state, he guesses, had re-affirmed their anxious moments to get a federally funded bridge in Vanderburgh County yet this year and he whole-heartedly hopes that happens, but they will hold it off for a week.

Commissioner Cox seconded the motion. So ordered.

Commissioner Borries said there are some representatives in the audience from United Consulting this evening. He said he felt that they were well prepared for this. He said that he supposed his main concerns are that there has been some work done for the City and we hope that when they move on this that they do so very quickly and they can use as much as they possibly can of that, so we can include that, as much as we can, in order to move this process up. He said he knows they are Indianapolis based and they have some concern, but that they know the system and knows what has to be done out there, but we do want this done as soon as possible.

RE: COMMENTS ON ALL-MALE REVIEW

Commissioner Willner said the second thing is that there was some discussion from a group concerned persons about an all-male review being held at the County Auditorium on March 28 and 29, and in talking with out attorney's, they tell us that the auditorium is a public facility and that we must comply with the First Amendment to the Constitution and if the company presenting this program does not break the law in any way, we cannot deny them from using this building. He said he doesn't know if this is the first choice of the Commissioners but he thinks this is our only avenue. He said he will certainly call this person and tell them that we discussed it, what the attorney said, so he doesn't know of anything else we can do to prevent this organization from coming, that they were at the Louisville Gardens last week and a phone call was made to the manager of that facility and it was found to be no problem. He asked if the other Commissioners have any input on it.

Commissioner Cox said it isn't mandatory that everyone attend it, and what irritates her is that by the name of it, The Chippendales, It sounds like it might be something from Walt Disney.

Commissioner Borries said he told this person that he felt it would be about as exciting as watching paint dry on the wall, that this was his personal opinion and he wasn't going to attend, that he isn't for it but he knows of the First Amendment of the Constitution and we cannot make our own judgement as to what is good or bad in the situation if the law has been followed, but if the law is going to be broken here, then it is a matter for the law enforcement authorities to look at, that he doesn't like and he doesn't support it but these are his personal comments and they have signed everything but we have to abide by the law.

Commissioner Cox said she wondered if the Company is aware of any ordinances that we have that they have to comply with, for performances in Vanderburgh County, that they should know when they come into an area, if there are any ordinances to where their production would be in violation of them and whe would certainly think they wouldn't be very wise to come into an area where they could be arrested.

Commissioner Borries said that when they show up, the Prosecutors office can deliver to them what the law is in the County to make sure they comply with it. He said the auditorium manager should have a copy of the law available for anyone from out of town who would rent the facility to make sure they follow it.

Commissioner Cox said, in all fairness to them, maybe they should be sent a copy of the law and since this question has been presented to us, they may find that they don't want to come here.

Commissioner Borries asked Att. James Casey to make a copy of the ordinance available to the Manager of the Auditorium.

RE: REPORT ON ROAD SCHOOL IN LAFAYETTE

Commissioner Willner said he and Mr. Bethel did drive up to Lafayette and as they left Vanderburgh County, they passed the new Princeton Building and the news was just breaking that it was sold to a Japanese Company and the State of Indiana subsidized the Japanese Company to the tune of \$365,000 and that Zenith had just left this area for Mexico and that really brings the wheels to turn and we think, "what are we doing here", that they went up Hwy. 41 and came back Hwy. 231 and they saw some of the decay in farm property, that it is really disgusting to see the deterioration of rural America. He said our county roads are better than Hwy. 41, that it is a pitiful highway from Terre Haute to Lafayette, also another thing that struck him was that Lafayette hasn't lost their downtown, that you don't see a lot of shopping centers in the outlying district and the downtown is just as vital as it ever was and you wonder why they can keep theirs and we can't keep ours, there has to be a reason. He said as for the Road School, they are still pushing computers or the lack of them and they are continuing on to T.V. and T.V. taping, the fact is that Vanderburgh County Commissioners were included in a visual aid to one of the teachers, teaching a class and they also quoted Channel 25, that one of the things they showed was the public hearing we had on roads and they said as far as they knew, this was the first time it ever happened in the State of Indiana, where you call in the entire County to discuss your road problems. He said he doesn't know if this is true or not but that is what they said. He said Keith Lochmueller of Lochmueller & Bernardin was the instructor in this particular class. He said he did talk to him about Boonville-New Harmony Road and he said he would get to them Monday, so he presumed he did. He said he supposed that the lack of a computer in our County at the County Highway was discussed at great length and he thinks the computer has a little different meaning to us than to the general county populous in the State of Indiana, that most of them said, let us plan your work schedule, and what they were really talking about was the lack of money, that there isn't enough money to go around, whereas in Vanderburgh County, with the help of the County Council, we have a considerable amount of money where some might put in their computer, as soon as possible or as soon as they can afford it, that a culvert needs to be installed, but in Vanderburgh County, before it had time to get in the computer, we would have that culvert in, covered up and forgotten about, but what we need, since we have no accurate record of what was done in Vanderburgh County and he thinks a computer will really help us. He said some of the counties that went to computers five to ten years ago, he would say, aren't quite what those people expected but they were good record keeping facilities, but as far as planning your work, if you had enough funds where you didn't have to say, "this culvert must wait for a certain period of time", we have more viable roads to put this money on," he thinks the computer will help us.

Mr. Bethel said he was impressed by the training methods, that this is something we need here, that it is very simple, they have a 19 inch T.V. and a V.C.R., that they will send us information on roads, bridges or culverts to be repaired at a very nominal fee and he thinks that for under \$3,000 we could set up a very good training program including a video camera and he could even bring it down to show the Commissioners and he would certainly like for the Commissioners to think about it. He said he would really like to do this. He said the engineers are doing it, that they take core tests and show you what they look like, that it would really be a great thing.

Commissioner Cox said she thinks, in 1981, Mr. Kautzman was out at the County Garage and we had a slide projector and we had bought slides on how to flag, how to sign and to train the highway crew and she asked what happened to that.

Mr. Bethel said he had these sent out and he showed them, that the Insurance Co. has showed this to the men and since he has been out there, the only thing he has had is the camera they carry with them.

Commissioner Borries said this is an interesting idea, and he thanks them for this report. He said this month's issue of Better Roads has a lot on computers too and he thinks the road study and what we have accumulated obviously needs to be compiled for record keeping on discs but we need to carry this further

and set up an accurate record keeping system at the County Highway, that this is something we need to seriously look at, he thinks the T.V. thing is really a feasible idea and this would certainly help the efficiency on the roads, so these are some things we need to look at.

Commissioner Cox said she thinks we are going to have better reports of what we do, like when we patch a road like Mt. Pleasant or when we re-surface one section of road and put down from where to where so it doesn't look like we have done the whole road, and installing culverts are very important, that one reason she asked Mr. Bethel to name the bridges that work was done on and what was done because, just reporting a bridge on Boonville-New Harmony Road tells her absolutely nothing because there are probably 7 or 8 bridges on Boonville-New Harmony Road, so by identifying the exact location, they would know where it is, that this is actually what needs to get on computer and they could say they put that culvert in last year, and can see what is happening, but if it just reads culvert and not pinpoint the location, she can't see that going on computer is going to help that much unless we get everything acclimated.

Commissioner Borries said he thinks a video is now as cheap as you can get your video cassettes and you could actually build up a video file and you are talking about only five minutes of camera work, and if you keep it labeled and on file, you have a film library on all the work that has been done in this county, so this is good to know for some new ideas.

Commissioner Borries said that he see's the County Commissioners met last week on the 169th birthday of the March 19, 1818 first County Commissioners meeting, that this is a little part of history.

Commissioner Cox asked Commissioner Borries if he received the report on Tall Timbers from the County Surveyor.

Commissioner Borries said that he did receive it but hasn't had a chance as yet to read it.

RE: ANY MEETING SCHEDULED AT THIS TIME

Commissioner Borries said he is going to meet with Mr. Adler this week, also that there will be a Drainage Board Meeting after the Commissioners meeting next Monday.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Prosecutors Office

Daniel DeArmond	1015 MacArthur Circle	Dep. Pros.	\$21,500	Eff: 3/16/87
Angie Mitchell	605 E. Gum	Investigator	\$16,500	Eff: 3/16/87
Debra Jo Day	300 W. Berkley	Para. Sec.	\$15,000	Eff: 3/16/87

Pigeon Township Trustee

Ron Crawford	638 Jefferson Ave.	Clerk	\$14,540	Eff: 3/3/87
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Vanderburgh County Election Office

Gerald Wohlhueter	1806 Conlin Ave.	Bal. Assem.	\$4.85 Hr.	Eff: 3/9/87
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RE: EMPLOYMENT CHANGES - RELEASES

Daniel DeArmond	1015 MacArthur Cir.	Dep. Pros.	\$19,950	Eff: 3/16/87
Angie Mitchell	605 E. Gum St.	Invest.	\$14,847	Eff: 3/16/87
Debra Jo Day	300 W. Berkley	ParaLeg. Sec.	\$13,650	Eff: 3/16/87

There being no further business to come before the Board at this time, Commissioner Borries declared this meeting to be recessed at 10:30 P.M.

PRESENT:

COUNTY COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY ENGINEER

Andy Easley

HILLCREST-WASHINGTON HOME

Connie Davis

COUNTY AUDITOR

Sam Humphrey
Cindy Mayo

COUNTY HIGHWAY

Bill Bethel

AREA PLAN

B. Cunningham
B. Behme

COUNTY ATTORNEY

Jim Casey

SHERIFF

Clarence Shepard

OTHER

Dr. Charles Greif
Att. Brian Carroll
Thomas R. Bernhardt
Att. David Lamont
Att. Les Shively
Ms. Evelyn Burdorf
Neighbors-of
Mr. Biggerstaff
Bill Long

SECRETARY:

Joanne A. Matthews

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 23, 1987

The Vanderburgh County Board of Commissioners met in session on Monday, March 23, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently stated that there are a couple of changes in today's agenda. Approval of the minutes of their meeting held on Monday, March 16, 1987 will be deferred until next week.

RE: CHILDREN & FAMILY SERVICES - KNOX COUNTY

It was noted by Commissioner Borries that Ms. Kay Niehaus of the Children & Family Services of Knox County (Vincennes, IN) is in the audience today. This is in connection with the advertising of some proposals the Commissioners will be seeking concerning the future operation of the Hillcrest-Washington Children's Home. He then welcomed Ms. Niehaus.

Ms. Niehaus thanked President Borries for the warm welcome and said she certainly appreciates being included on the agenda so rapidly. It wasn't really in her plan to be here today, but she is happy to do so. She visited the Hillcrest-Washington Children's Home last week -- a bit out of curiosity, since she has read in the newspaper that the Commissioners might possibly be contracting with a private organization to run the facility.

With her today are Mr. Joseph Owens, their Assistant Director, and Mr. Mark Avers, who works in their Restitution Program. He is the Coordinator of that program for them. The Children & Family Services is an Indiana not-for-profit corporation or private corporation operated under the auspices of a fourteen (14) member volunteer Board of Directors. They incorporated six (6) years ago to open the Knox County Emergency Youth Shelter, which has been operation since February, 1982. She has brought along packets of information for each of the Commissioners to clue them in a little bit on what their organization does. They did incorporate under the name of "Children & Family Services" to be able to expand their services far beyond just the operation of the Knox County Youth Shelter. They do operate a Work Release Center, an Adult-Juvenile Restitution Program, a Court-Appointed Special Advocate Program, a Victim Assistance Program and they are just beginning the operation with their Probation Department for a Home Detention Program for youth in Knox County and they are one of eight (8) shelter facilities in the State of Indiana which has been chosen to take part in the Safe Place Program which was started in Louisville, KY last year and received an award from President Reagan. So, they are very involved in all sorts of services to children and families. They are very interested in maybe entering a bid on the operation of the Hillcrest-Washington Children's Home. They feel that they have the background to do so, after five (5) years' of operation of the Knox County Youth Shelter. They feel they have the procedures and staffing patterns in place that would be of help in taking over the operation of Hillcrest-Washington. They just received some specifications; then some gentleman took them and said they were going to be revised. Therefore, she can't necessarily comment on what it is that they would request or what they would put in their proposal. They really need to review the specs. But she thinks it is a lovely place and that it has the potential to fill all the needs of youth -- not only in Vanderburgh County, but in Southwestern Indiana, which, of course, is why they are interested in it. They have sent

children from Knox County to Hillcrest and also have had children from Vanderburgh County in their Youth Shelter. Because they have been so successful in Southwestern Indiana, they feel they could perhaps make a success of Hillcrest-Washington, too. She does have the packets she'd like to leave with the Commissioners so they can get an idea as to exactly what Children & Family Services does. She will be glad to answer questions if the Commissioners have any at this time.

The Chair entertained questions.

Commissioner Willner said he has no questions, but he would like to express his thanks to Ms. Niehaus for coming down to share the interest of Children & Family Services in Hillcrest-Washington. The Commissioners will save their questions for when C&FS turns in their proposal.

Ms. Niehaus expressed appreciation to the Commissioners for including her on today's agenda.

Commissioner Borries said he wants to echo the thanks expressed by Commissioner Willner. The Commissioners should have the revised version of the specs shortly and should the representatives of Children & Family Services wish to remain a while, the Board should have those back. The basic thing changed was some per diem changes which Counsel wanted to be a bit more specific on with regard to reimbursements, etc. Once that information is added to the proposal for bids, it will be ready for release.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN OLD PETERSBURG PLACE II

Commissioner Borries read the following letter concerning the above:

March 20, 1987

Board of County Commissioners
Room 305 - Civic Center Complex
Evansville IN 47708

Re: Old Petersburg Place II

Dear Board Members:

As owner of Old Petersburg Place II Subdivision located near the City of Evansville, north of Old Petersburg Road and west of Northfield Drive, I am hereby requesting that the construction of sidewalks in the development along the cul-de-sac streets, Southport Drive, St. Clair Drive and Bob Court, be waived.

This waiver is consistent with the request approved by the Commissioners for Old Petersburg Place where sidewalk construction was waived except for on one side of each entrance road.

We feel this request is appropriate and conforms with the surrounding subdivisions and would not significantly hinder pedestrian traffic. We have enclosed a composite map of this area showing locations of existing required sidewalks highlighted with yellow and the waiver locations highlighted in green. Blue highlighting indicates the subdivision boundary.

Respectfully submitted,

GARRISON DEVELOPMENT CORP.

Phillip W. Garrison

cc: Morley & Associates, Inc.
Mr. R Andrew Easley, Vanderburgh County Engineer

The Chair then recognized Mr. Garrison, who was in the audience.

Mr. Garrison said they inadvertently left off Lancaster Drive. They would like to include that in the list of streets that the cul-de-sacs go off of. Therefore, he would request that his letter be amended to also include Lancaster Drive. The Commissioners so noted. The Chair entertained questions.

The Commissioners spent several minutes perusing the plans and discussing the map with Mr. Garrison, with Mr. Garrison answering numerous questions.

The Chair subsequently entertained a motion.

Motion was made by Commissioner Willner that the request for waiver of sidesalks in Old Petersburg Place II, including Lancaster Drive, be approved, with a second from Commissioner Cox. So ordered.

RE: GREENBRIAR HILLS SECTION III

President Borries submitted the following letter from Mr. Marvin Huff of Greenbriar Corporation:

March 10 1987

Board of County Commissioners
Room 305 - Civic Center Complex
Evansville, IN 47708

Re: Greenbriar Hills Section III

Dear Board Members:

As owners of Greenbriar Hills Section III subdivision located near the City of Evansville, north of Old Petersburg Road and along the west side of Greendale Drive, we are hereby requesting that construction of sidewalks in the development along the cul-de-sac streets and one side of Bob Court be waived.

We agree to construct sidewalks along one side of Greendale Drive and along one side of Bob Court Drive.

This waiver request is consistent with the request approved by the Commissioners on February 24, 1986 for the Greenbriar Hills Section II development which lies directly south of Section III. In addition, Section III lies directly east of Greenbriar Hills subdivision which has no sidewalks and directly west of Old Petersburg Place (a 1986 development) where sidewalk construction was waived except for on one side of each entrance road.

We feel this request is consistent and appropriate with the surrounding lots and would not significantly hinder pedestrian traffic. We have enclosed a composite map of this area showing locations of existing required sidewalks highlighted in yellow and the waiver locations highlighted in pink.

Respectfully submitted,

GREENBRIAR DEVELOPMENT CORP.

Marvin Huff, Jr.

cc: Morley & Associates, Inc.
Mr. R. Andrew Easley, Vanderburgh County Engineer

The Commissioners spent several minutes perusing the map and discussing the various streets. The Chair subsequently entertained a motion.

Motion was made by Commissioner Willner that the request be approved for waiver of sidewalks ~~and~~ cul-de-sacs (which would have to do with Hilton Court, Caranza Court, Barkley Court and Merrill Court) , with the stipulation that sidewalks will be required on the west side of Greendale Drive and on the south side of Bob Court, with a second from Commissioner Cox. So ordered.

RE: OAK VIEW PLACE AND OAK VIEW PLACE II

The Chair recognized Mr. Jim Fuquay of Fuquay Construction, Inc., who was present to request waiver of sidewalks in Oak view Place and Oak View Place II and curbs and gutters in Oak View Place.

President Borries proceeded to read the following letter from Mr. Jim Fuquay:

Board of Commissioners
Room 305 Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

It has recently come to our attention that both our office and our engineer's office inadvertently failed to request a waiver of construction of curbs, gutters and sidewalks for the subject project.

Therefore, at this time we ask that the Board hear our request for a waiver at their earliest possible convenience. We apologize for this oversight and any embarrassment it may have caused.

Sincerely,

FUQUAY CONSTRUCTION, INC.

Jim Fuquay, President

Mr. Fuquay said this request has to do with the fact that the engineer he initially hired for this project communicated to him that it would be not necessary to have curbs and gutters. Therefore, all the streets were put in. After the fact, it has been brought to his attention that he would need a waiver of curbs, gutters and sidewalks. He is now requesting said waiver.

President Borries entertained questions.

Commissioner Cox asked Mr. Fuquay if he doesn't have two (2) requests:

- 1) Request for waiver of sidewalks in Oakview Place II
- 2) Request for waiver of construction of curbs, gutters and sidewalks in Oakview Place.

Mr. Fuquay indicated that this is correct

The Chair entertained further comments.

Mrs. Cox asked if he has adequate areas along the road bed for the proper shoulders and ditching in Oak View Place according to our ordinance?

Mr. Fuquay said he has 4 ft. shoulders on each side and 9-1/2 ft. of ditching.

Mrs. Cox commented that this is plenty adequate.

Commissioner Borries asked, "Jim, I know you're in the middle of construction. If I remember correctly, your subdivision has elaborate streets -- aren't they bordered in brick?"

Mr. Fuquay said there is a cobblestone pattern that goes along the entrance across the edges and every 60 ft. across the pavement.

Mrs. Cunningham asked, "But the thickness of the concrete is according to county standards, is that right?"

Mr. Fuquay replied in the affirmative.

Mrs. Cunningham noted that this was continued in Area Plan.

Commissioner Cox said "The reason it was continued, I believe, is because they were to furnish us with a drainage plan. At the last Drainage Board Meeting, Mr. Willner asked that it be submitted within two weeks or something like that -- if I am not mistaken."

Mrs. Cunningham said, "And because the waiver had not been given for curbs and gutters up there....and there were problems concerning drainage and erosion control."

Mrs. Cox said that most of the problem was up off Oak Hill Rd. and as you were coming into Oak View Place Sub, where they had graded -- it is down a bit in that area -- and there was some erosion along those sides.

Commissioner Borries asked, "Was this original drainage plan approved without curbs and gutters in there -- and designed then with shoulders?"

Mrs. Cunningham said, "But it was never waived and neither were the sidewalks."

Mr. Fuquay said that is why he is here. Incidentally, Sam Biggerstaff was the engineer on the project.

Mrs. Cox said he also explained that the cul-de-sac is not yet completed.

Mr. Fuquay said that will probably be completed within the next two or three weeks. They had a sewer line running across and he didn't want to put the cul-de-sac in until the sewer line was installed.

Commissioner Borries said, "Again, we want to work with developers, but we need to have concerns and make sure that the communication is out that it is just understood that they have to do curbs and gutters unless there has been a waiver to that effect."

Mr. Fuquay said "Yes; I am very very familiar with that fact now. In fact, I am designing Oak View Place II with curbs and gutters and I have no plans whatsoever to request a waiver -- just a waiver of sidewalks in that phase."

Motion was made by Commissioner that the request for waiver of sidewalks, curbs and gutters in Oak View Place be approved, with a second from Commissioner Cox. So ordered.

Motion was made by Commissioner Willner that the request for waiver of sidewalks in Oak View Place II be approved, with a second from Commissioner Cox. So ordered.

RE: HILLCREST-WASHINGTON HOME - REQUEST FOR BIDS

The meeting continued with President Borries reading the following Request for Bids in connection with Hillcrest-Washington Children's Home, which will be advertised:

REQUEST FOR BIDS

WRITTEN BIDS ARE REQUESTED FROM ALL QUALIFIED AGENCIES FOR ENGAGEMENT BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, TO SERVE AS CONTRACT MANAGER OF THE HILLCREST-WASHINGTON CHILDREN'S HOME FOR A MINIMUM PERIOD OF THREE YEARS AND A MAXIMUM PERIOD OF FIVE YEARS AND SUBJECT TO SUCH OVERSIGHT BY THE BOARD OF COMMISSIONERS OR ITS DESIGNEE AS MAY BE REQUIRED BY THE BOARD.

1. Qualifications of Contract Manager.

- A. Bidder must have, at the time of its bid, all necessary certifications, licenses, approvals and accreditations required by the statutes of the State of Indiana and Department of Public Welfare regulations promulgated pursuant thereto.
- B. Bidder must meet all requirements and standards necessary to assure the continued status of Hillcrest-Washington Children's Home as a Certified Residential Treatment Facility under the statutes of the State of Indiana and the standards and regulations promulgated pursuant thereto by the Indiana Department of Public Welfare.
- C. Bidder must document at least three years' experience in the field of supervision of a residential child care facility.
- D. Bidder must currently employ one or more individuals who would be assigned to the on-site full-time administration of the Hillcrest-Washington Children's Home and who meet the following minimum standards:
 - a) Twenty-five years of age;
 - b) Master's Degree from an accredited college or university in social work, education, medicine, psychology, nursing or an allied profession; and
 - c) Four years' experience in a human services field.

2. Bids must contain the following specific information:

- A. Length of contract period.
- B. Date of first availability.
- C. Lump sum annual contract price.
- D. Payment schedule required.
- E. Number, job description, education qualifications and employment background of all support staff.
- F. Types of clients to be served.
- G. Description of specific provisions you would provide for the following services:
 - a) Emergency shelter
 - b) Long-term residential services;
 - c) Independent living program;
 - d) Educational services;
 - e) Social development services (activities/recreation)

- f) Evaluation, diagnostic and counseling services;
 - g) Family liaison and foster home liaison and following services; and
 - h) Medical and dental care.
- H. Bidder must describe its procedure for employee background investigation.
3. The Bidder must set forth in its charge for the service to be rendered both in form of maximum annual charge and, if applicable, any per diem charge or charges which would be made which will cause the annual contract price to be increased or decreased, depending upon the number of clients being served. The bid must enable the county to determine its maximum annual expenditures under the terms of the proposed contract and any reduction to which the county would be entitled to upon any basis whatsoever. The bid must also provide a payment schedule for the county's obligation to the successful bidder.
 4. Any organization which is the successful bidder must be willing to enter into an enforceable covenant with the Board of Commissioners which would require that the Contract Manager will provide all services and conduct all aspects of the affairs of the Hillcrest-Washington Children's Home in a completely non-denominational manner and totally without regard to any religious affiliation or funding which the Bidder might have.
 5. The Bidder must demonstrate that it has in force or can obtain insurance coverage which insures Vanderburgh County and its employees for liability resulting from negligent, tortious or intentional conduct by the Bidder's employees or agents in the performance of its contractual duties.
 6. Any contract entered will be subject to annual funding by the County Council of Vanderburgh County.

President Borries said this is the revised version. Subject to the approval then of this Board, we will advertise. Also regarding this matter, we do have on record the following letter from the Evansville Rescue Mission, Inc.:

March 19, 1987

County Commissioners
City-County Building
Civic Center Complex
Evansville, IN 47708

Dear County Commissioners:

It is the intent of the Evansville Rescue Mission to discuss with you further about assuming the operation of the Hillcrest-Washington Home. We look forward to receiving the information from you about the proposal process.

Sincerely yours,

Rick A. Alvis
Executive Director

Commissioner Cox asked whether Attorney David Miller has left the Commissioners' area? Under Item #3, she does know that -- and she is not sure whether she understands what is in there -- or if

it isn't in here. "The care for the children in Vanderburgh County is subsidized by different counties and the State Welfare Department. So I think we need to spell out any contract that we enter into with individuals whether this money comes to Vanderburgh County or if it is kept by the person providing the service. This would be over and above the contract amount that is awarded then. I am not for sure about this."

Attorney John said he wouldn't say that it is set out as such in here. Now the bidder could take that into consideration in determining what their charge will be, therebythe per diem or annual charge. He doesn't believe it is set forth and there may be individuals who are not aware of it.

Mrs. Cox asked Attorney John if he feels we should address this? Because she knows some of the subsidies are like \$80.00 per day that another county or the state will pay for housing a child or young person in a facility. If we give them a contract, that money is going to come into the facility, rather than being directed to the County General Fund.

Attorney John asked "Are you sure it goes to the facility or to the County Commissioners to pay on their obligation?"

Mrs. Cox said, "It would go to the person who was licensed to provide the care unless specifically specified, I would think."

Attorney John said he thinks it would come to Vanderburgh County.

Mrs. Cox then queried Mr. Lindenschmidt concerning the money, saying she thought it reverted to the General Fund but was placed in a separate account.

Mr. Lindenschmidt offered comment, but it was inaudible.

Mrs. Cox asked, "Is it covered in this contract?"

Mrs. Connie Davis commented, "I talked about this earlier and I think he wanted it specified in the bids -- and this would be negotiable with the Commissioners and Council to determine."

Commissioner Borries asked, "So that is what he is doing in Section 3?"

Mrs. Davis said, "Yes -- well -- but there has to be an accountability. He needs to know how much is going to be charged for the services and if the county is also going to continue to fund them how many other funds can be brought in in addition to the amount the county funds. There may have to be some changes in the Title 20 program. (Other comments were inaudible)----and those kinds of things need to be included as well as third-party payments.

Mrs. Cox asked, "Do you feel it is adequately spelled out in here then? The way I read this Item #3 and the way I interpret it is that they are going to give us a contract bid for say 25 young people. If it goes to 40 we may owe them more money. Or, if it drops to 15, they may adjust -- am I reading that right? How do you read that Rick?"

Mrs. Davis said some residential homes charge more for out-of-county than for local county. She is just saying for instance that they might make a bid that would charge \$51.00 per diem for a Vanderburgh County child and \$81.00 for an out-of-county child. Those prices could also vary for emergency shelter as opposed to long-term care. So that would vary among the bidders-- and she thinks this should be of consideration when looking at the bids. Some of the agencies might be able to provide private subsidy; others might be able to tap into other governmental resources or third party payments. It's hard to tell what the individual agencies who will be bidding on this (or

that she presumes will be bidding on this) will be able to come up with in terms of financing care of the children. (Other comments were inaudible.....)

Mrs. Cox said, "So we might well get a bid from one organization or firm for \$50,000 per year, provided they get to keep all subsidies and another one might be for \$600,000 per year with the subsidies to go into Vanderburgh County."

Commissioner Borries said, "Well I think I know what you're saying. If they spell out any per diem charge, then if any of these charges would cause our annual contract price to go up, those would have to be spelled out at that time. But I'm not sure it's into what you ask."

Commissioner Cox asked that Mrs. Davis call Attorney David Miller and see if Item 3 spells out what Commissioner Cox asks?

Mrs. Davis said, "We had just done that today....."

Commissioner Borries said perhaps Attorney Curt John would want to address Mrs. Cox's question on that.

Attorney John said he thinks Item 3 is just basically asking for one or two things: The maximum annual charge, what the charge will be per diem -- and this would not anticipate any federal or state funding that would come directly to the county for the operation of the home. Those monies will come to the county and be a part of the monies used to pay on the contract price, itself. He doesn't believe it would go directly to the Administrator out there or whichever organization takes over the operation. He believes these monies would still come to the county. The county is going to be required to honor whatever contract they enter into, using partially that money as well as county funds. The thing is that it will be difficult to find an organization that will bid on it with respect to federal funding, because they don't know what that will be two years from now. So they are just going to want to know how much per diem or how much the maximum contract will be.

Mrs. Davis said the purpose here is to give the best possible care to the children for the least amount of money -- how to do that.

It was the consensus of the Commissioners that Attorney John should call Attorney Miller. The thing the Commissioners want to know is what happens to the money that we're reimbursed with from Title 20, etc. We want to know whether it is spelled out where the money is going to go -- if it is spelled out on these entitlements -- or any per diem -- whether it comes directly to County General Fund or whether or not the organization will use it. That could have an effect on the overall contract price.

Commissioner Cox said "We have to depend on them to make application for those funds, also, don't we."

Mrs. Davis said that in Vanderburgh County there are only so many Title 20 slots. When a child comes to Hillcrest, they are made a ward of the Welfare Department, because the Welfare Department is given a lump sum to pay for resident care. As soon as the Welfare Department can -- or a Title 20 slot is vacant -- they put the child on Title 20 so this covers it, rather than the Welfare Department taking it out of their money that the county has allotted. What is going on is that the Welfare Department is attempting to take the Title 20 money and have them take it from the county or have it appropriated to the counties for residential homes and keeping it for their own staff and that is in the legislature right now. The residential homes are fighting that, because we get an average of between \$18,000 and \$21,000 per month from Title 20, which the county would have to assume or some arrangements made if that were done. There is some \$3.3 million throughout the State for residential care. But we get a

chunk of it and the county would have to assume that if those monies were taken away. But those monies are controlled by the local Welfare Department right now. They determine when a child goes on Title 20 as opposed to their paying for it with county funds.

President Borries entertained further questions. When the matter is clarified by Attorney Miller, discussion will proceed on this matter.

Commissioner Willner raised questions about the 3 year minimum/5 year maximum limitation. He said it will probably take three (3) years for any organization to get the facility straightened out on the basis the Commissioners would like to see it. He doesn't believe that the bidders would like the 5 year maximum period. He doesn't mind the 5 year period to have a look at their organization or their activities at the Hillcrest-Washington Home. But he thinks they should probably have at least 20 years or at least the option of that many. This is going to be a big outlay to anyone and to just get started and the contract is up -- and the contract could be given to someone else, he just doesn't think this is good business.

Commissioner Borries said, "Well, I understand what you are saying. However, from the standpoint of the county's ability to review or perhaps as things change, the contracted group to review the whole agreement -- I would almost think that 20 years is too long. There are just too many things that we're going to go through here -- so many state and federal regulations change all the time --

Commissioner Willner asked, "What about three 5 year options then?"

Commissioner Cox asked, "Could not we handle that in the contract part -- about the renewing part of it? Do you think that putting that 5 year maximum in there will close the door to some bidders?"

Commissioner Willner said, "Absolutely, it closes the door and makes this organization completely re-do the bid process, whereas if you include a 15 year option after five (5) years it doesn't close the door."

Commissioner Borries said, "Well I'd want some legal advice on that, because I think an unacceptable contract would be just as bad as an acceptable one. I would think you would want to be able to get out of it as well as renew it. I'd assume that if everything is going along smoothly and there seem to be no problems that it would be kind of a friendly review -- but that review would take place -- but I don't know that I want to lock the county into a long period of time if it is an unacceptable situation."

Mrs. Cox said "Hopefully, we're going to put enough study into this and see these proposals -- that when we make a decision that it will be a good decision and the right decision -- and that is what I'm hoping for. So, we're just inserting 5 years with renewable option?"

Commissioner Willner said "Yes."

Mrs. Cox said "Telling them they have first pick -- so that will keep somebody coming in off the street and underbidding them. And if we are satisfied with the service that they are giving our young people, whether they are \$1,000 or \$2,000 higher than the other firm, we can take them without any problem?"

Commissioner Willner said, "That is correct."

Mrs. Cox said "I don't have any problem with that, Rick, do you?"

Commissioner Borries said, "No, as long as there is....."

Mrs. Cox said "I can see where the bidder also needs some protection."

It was the consensus of the Commissioners that this question should be communicated to Counsel so he can offer advice concerning the review after five years, with three 5 year options.

Commissioner Borries said "We've had another question come up and that is the length of the contract, so the Commissioners will obtain that and try to have that item solved by the end of this meeting, so we can move along to advertise for bids."

RE: COUNTY TREASURER

The meeting continued with President Borries noting the item on the agenda concerning the County Treasurer. It was subsequently remarked that there is no monthly report. Mr. Humphrey said he believes Mr. Tuley had planned on discussing the investments. Last year as of March 3rd we had made \$63,000 and our investments got a little over 7%. This year it is over \$106,00 at 5%.

RE: COVERT AVENUE GROWTH MANAGEMENT REPORT

President Borries presented a copy of the Covert Avenue Growth Management Report. This has been completed by the Area Plan Commission and they have provided a draft copy. The report deals with the anticipated growth in the area bounded by Green River Rd., the Covert Avenue Extension to the Warrick County line and the levee to the south. Because of the Covert Avenue Extension, I-164 and the anticipated growth in the area, problems could develop in new uses in existing residential areas. The report is intended to address those problems prior to development. It is similar to the Growth Management Report received on North Green River Rd. and Division Street. The Commissioners are to offer their comments and any concerns will be incorporated into the final draft.

RE: EUTS - LYNCH ROAD DESIGN AGREEMENTS

The Chair recognized Rose Zigenfus of EUTS.

Commissioner Cox queried Mrs. Zigenfus concerning the time table on the Lynch Road Design project.

Mrs. Zigenfus said the time table for completion of the design is approximately 18 months -- the entire project.

President Borries then read the following letter from EUTS:

To: Vanderburgh County Commissioners
From: Rose M. Zigenfus
Subject: Lynch Road Design Agreement
Date: March 5, 1987

Attached please find two copies of the design-consultant agreements for the Lynch Road project, from Oak Hill Road to Burkhardt Road. As previously discussed and due to the lack of available Urban Funds, the Vanderburgh County Commissioners have agreed to fund the design services for the Urban segment with local funds.

The County Engineer and EUTS have reviewed the agreements and find the consultant fee of \$342,953.85 within the acceptable range for design services and recommend the agreements be executed at the next Commissioners meeting.

Should you have any questions, please contact Mr. Easley or me.

Commissioner Cox said one of our prime points on this design and moving it away from the city and into a private firm was to speed up.....

Mrs. Zigenfus said, "This is Lynch...."

Mrs. Cox said, "I'm sorry -- it's all right."

Commissioner Borries said there has been one change. We're on the Lynch Rd. making a commitment here to do the design services entirely from local funds. Is that correct?

Mrs. Zigenfus acknowledged that on this portion that is entirely correct. (She made further comments but they were inaudible.) In response to query from Commissioner Willner, Mrs. Zigenfus said we're really committing ourselves to about \$300,000.00.

Commissioner Borries said, "From time to time you get different reports from people, but there has apparently been some change in regards to some State commitments. They did fund part of the environmental corridor; but now there have been some changes apparently in how much money they see is going to be available from the Federal government and the only way we're going to get this thing continued at this point is to make this commitment. Is that correct?"

Mrs. Zigenfus' response was inaudible.

The Chair entertained further questions. There being none, a motion was entertained.

Motion was made by Commissioner Willner that the agreement with Bernardin, Lochmueller & Associates for the design of Lynch Road project from Oak Hill Road to Burkhardt Road be signed in the amount of \$342,953.85, with a second from Commissioner Cox. So ordered.

Mr. Willner explained that this is the portion for which we have to fund the entire PE, and we have hopes that the State will help us fund the other section. However, we do not have their answer yet. That would be the part that would come from the pool of urban funds.

Mrs. Zigenfus said the section from Burkhardt Road eastward is rural secondary and constraint on the secondary monies is not as limited as the urban funds.

Commissioner Willner asked if we have to be placed on Council call to obtain the dollars?

Mrs. Zigenfus said there is enough in the budget.

Commissioner Cox confirmed that we have \$607,081.00 in the account.

RE: COVERT AVENUE GROWTH MANAGEMENT REPORT

Mrs. Cunningham, Director of Area Plan Commission, re-entered the meeting. President Borries advised that he has already covered the Covert Avenue Growth Management Report which had been submitted. However, the Board would welcome any comments that Mrs. Cunningham might have.

Mrs. Cunningham said if the Board has any questions, she will be glad to answer same.

Mrs. Cox said it was an excellent report and pointed out potential problem areas and problem areas that we do have. It was a very good report.

Mrs. Cunningham said they are ready to begin the next one which will be for the North 41 corridor; they are also looking at Red Bank Rd. and Pennsylvania Avenue area. She said the report is just to assist the Commissioners in their decision making.

RE: HILLCREST-WASHINGTON CHILDREN'S HOME

Attorney Curt John re-entered the meeting. He reported that his conversation with Attorney Miller revealed that with regard to Item 3, this is a request for the total charges that the organization or successful bidder is going to make for the operation of Hillcrest-Washington Home. It does not anticipate or indicate that any funds that would normally come to the county for the operation of the home would go directly to the successful bidder. Now those funds will still come to the county and can be used to offset our cost of operating it, which will in all likelihood will be less than the contract price. But it will not go directly to whomever is operating the home. The money will still come to Vanderburgh County. This involves any state or federal funding or any funding from other counties for residents-out there. This is really just asking for a flat price of what the per diem or annual charge would be for the operation of Hillcrest-Washington Home. Does that answer Mrs. Cox's question?

Mrs. Cox said "I think some of the bidders would also be interested in that point."

Attorney John said, "I don't know whether any of the bidders are familiar with any of the funding or what funds are available. That is very possible. But it is not anticipated through this paragraph that any of those funds would go to whichever organization is operating the home. Hopefully, they would not submit their bids anticipating that."

The second question, there would be no problem in changing that to three additional 5 year options, but the county should be aware that that does rather lock us in for a lengthy time and if they become unhappy with the operation of the home and if there are technical violations under the contract, it may be difficult -- if not impossible -- to terminate that contract at any of the optional five (5) year extensions.

Mrs. Cox said, "That would also include the terminology just not putting three five year renewable options on there -- and it would also hold true if we just put the words "option to renew?"

Attorney John said, "The option to renew is still a right granted to the successful bidder and unless there is some reason we indicate that we do not have to go along with their option, they would be entitled to continue even though we may not be satisfied with their performance of the contract -- if there are no violations. If they have an option to renew, that is exactly what it is -- the right to continue."

Mrs. Cox said, "We'd better be careful then."

Attorney John said, "If they're doing a good job, we'd still have the right to contract with them if you would consider them the best. So he thinks we have enough leverage there that if it is being operated properly we can continue."

Mrs. Cox said, "You said the best and lowest bidder."

Attorney John said he thinks there are two; actually, under the statute it is the most responsible and responsive --

Commissioner Borries asked, "You're saying that you think that Bob's concerns would be addressed under the current proposal?"

Attorney John said, "I'm not saying that they would automatically have the right to agree to five (5) years additional terms. I'm not saying that."

Commissioner Borries said, "I take it that there is a problem with that, the problem being that if the county sees some problems that it might be difficult for us to get out of that particular situation under that format."

Attorney John said, "If they have the option to renew for five years and are not in violation of the agreement as it exists, then you have to abide by the option, unless you include in there....." But like I said, that is an administrative decision. And you could even probably include some terminology to the effect that if both parties consent to the extension. But you'd better have a valid reason for not consenting."

County Auditor Sam Humphrey interjected, "I'm concerned that there is an agency here in town that was started initially to address the needs of Vanderburgh County. Now and then, Vanderburgh County clients can't get in. To award that, shouldn't it be that the types of clients to be served is strictly Vanderburgh County?"

Commissioner Borries said, "No."

Attorney John said you may want to address any contract you enter into that Vanderburgh County clients have priority, but I don't think you want to restrict it to Vanderburgh County clients.

Commissioner Borries said there are currently children served who are not from Vanderburgh County.

Commissioner Willner said he has no problem with the types of clients being served. But we want to know whether they are going to do the residential care, etc., etc. We're not talking about the types of people, are we?

Commissioner Borries said "No, not the types -- the care."

Commissioner Willner said, "But it does say 'types of clients' -- that might be bad wording."

Commissioner Borries said "Well 'client' is the person to be served at this point -- that's all that points out."

Commissioner Willner questioned the "Independent Living Program".

Commissioner Cox said that is where they learn to do everything for themselves -- shopping, budgeting, cooking.....

Commissioner Borries said, "Well, they have services at Hillcrest where they are put into a situation where at whatever the legal age is (be it 18 or whatever) that they are given instruction in caring for themselves. This is done a lot now through various agencies. I know several who put the persons they serve on independent living basis, so they can do just that so that when they are of legal age they can care for themselves -- hold a job and eventually lessen the amount of services they would need from the county or any other group."

Mrs. Cox said, "So that when they're 18 they can go out and get their own apartment, get a job, and know how to take care of themselves."

Commissioner Willner said, "Well, if you want to hold this another week, we can."

Mrs. Cox said, "I think we need to move on it, don't you.?"

Commissioner Willner said, "What if we agree to this Request for Bids today, and someone comes in and says they can't hardly do what we want done in five years and they need a 20 year contract?"

Commissioner Borries remarked, "Here we are -- it seems like we're doing all this legal work here today. So we'd probably better be quiet and let the attorneys answer the questions. But it seems to me that we can negotiate -- if that is going to be a hindrance, that might be a question we want to ask -- or Mrs. Davis might want to ask of someone submitting a bid. I certainly see value in what you're saying. But I also see some real problems based on what Curt said here. He is saying that we really would have to document -- just a mere expression of dissatisfaction is not enough when you get into a situation like this."

Commissioner Willner said, "It certainly is. An option is an option."

Commissioner Borries responded, "That is not what your attorney said."

Commissioner Cox said, "Bob, you know what we went through with some of the dissatisfaction out there prior to this and what we've gotten into."

Commissioner Willner said, "But the dissatisfaction was ours."

Commissioner Borries said, "No, there was a change in the State Law on that-- and we saw a legal question from the standpoint of the State and the jurisdiction there. This is a different situation here. We're not anticipating any State Law; we're just anticipating that we or future Boards of Commissioners decide. This is strictly a local situation here."

Commissioner Willner said, "Sure it is a local situation; it was not before."

Commissioner Borries asked "When you say 'with an option to renew', whose option is that?"

Attorney John said "The successful bidder is going to claim that it is their option."

Commissioner Cox asked, "Couldn't we say 'with the Commissioners' option to renew'?"

Commissioner Willner said, "Now we're fine."

Commissioner Cox said, "Well, that's going to be the same thing as a 5-year contract, because we will have that option at the end of five years."

Commissioner Willner asked, "Let me ask you, if you were going into business and you're going to put \$100,000.00 in this building and it says you're only going to get a lease for two (2) months, would you do that?"

Commissioner Borries said "No."

Commissioner Willner said, "Absolutely not. That's the whole thing I'm trying to tell you. Why would any company come in and say they're going to put maybe \$200,000.00 into this building to make it an up-to-date modern establishment and they're only going to get a five (5) year lease? I don't think they're going to do that."

Commissioner Borries said "Bob I think five (5) years is a lot different than two (2) months. But I think we have to spell out here (and the County and the Council will have to sit in on this), but we'll make a commitment insofar as capital improvements and things that have to be done and what the county is going to do there."

Mrs. Cox said, I don't think this request for bids is asking them to improve the facilities. It's only asking them to provide services in those existing facilities. I would imagine that some of their proposal will hinge on us bringing the facility up to standard, as recommended by the United Way Study."

Commissioner Willner asked, "What if they want to do that?"

Commissioner Borries said "I don't think they could unless we agreed to that under the contract, because I don't think that is spelled out. I don't know if we can agree in terms of what commitments we're going to make until we talk to County Council and get some idea in terms of monies that would be appropriated for capital improvements."

Mrs. Cox said, "We have the recommendation from the United Way, but I would think that the services that are to be provided would certainly be a guideline as to what renovations or adjustments are made out there. We don't want to go out and build buildings that aren't going to fit in with independent living programs or the separation of long-term and short-term care. I think that a lot of what we do out there is going to have to be based on the proposals that we get and what we finally accept, don't you agree?"

Commissioner Borries responded in the affirmative.

Mrs. Cox said, "But, I can see your point. If somebody says we want this, this, and this....."

Commissioner Willner said, "The first question that is going to come up is the air-conditioning. What is going to happen to the air-conditioning? You just tell me, I'm listening. What is going to happen?"

Commissioner Borries said, "Well I'd like to see air-conditioning put in out there. I'd like to see it....."

Commissioner Willner asked, "Do you think that management now has the option to go out and put that air-conditioning in there if they want to do it on their own, without coming to the county?"

Commissioner Borries said "No."

Commissioner Willner said, "Certainly they should; absolutely."

Commissioner Borries said, "I see this as a commitment for this Board and this county to review and ask for services to do better than what has been done before out there. But insofar as capital improvements, because it is a county-owned facility and the county is responsible for the buildings and the maintenance of those buildings, I see that resting with this Board. I see that as our responsibility."

Commissioner Cox said, "I would tend to see that too."

Commissioner Willner said, "I don't."
"

Commissioner Borries said, "You see, I don't see that in the proposal and I see that as a tremendous cost item that a lot of agencies (funding-wise and everything else) might not be able to...."

Mrs. Cox said, "I can see where Bob is coming from; but what we're doing here is not like leasing the Coliseum to another organization that is going to make a profit off that building. Here we are asking for a service and that is why I wanted to tie down our specs so we don't have someone coming in and making a profit off of our kids."

Commissioner Willner said, "Shirley, there will be profit off of services. Somebody is going to profit from running the home -- maybe not as a group, but...."

Mrs. Cox said, "When we gave the veterans the Coliseum to run we said, 'use it; you have to keep it up; you have to do this and you have to do that'....."

Commissioner Willner said, "For x number dollars per year -- and I think that is what this contract should do."

Commissioner Cox said, "Oh, Bob, I don't think we'll get anybody to bid on it at all if we do that."

Commissioner Borries said, "I see that as the county's responsibility. If we want that facility to be run by a professional organization that we will choose, I see their responsibility as providing the services. Our responsibility is the grounds, the maintenance, the care of those grounds and the funding of those improvements. Now, that is what I see. I see the coliseum as kind of a maintenance contract. That was a building that we or some Board previous to us agreed to lease for x number of dollars....."

Commissioner Cox said, "Bob, I can foresee some of these people coming in and making a proposal -- like you said, it may take three years to get the overall program going. I think those proposals will give us a key to what we want to do with that facility."

Commissioner Willner said, "All right, let me try one more time. Item #2 should contain the following specifications: Specific information, length of the contract. (We've already said what the length of the contract period is). It is just not good business to do it that way -- it's just not good business."

Commissioner Borries said "It also is not good business to get ourselves locked in here in a situation where it is unacceptable, that we cannot get out of or that the other agency cannot get out of."

Commissioner Willner said, "First of all, we were going to contract this out -- now we're going to keep the building and grounds. That was not my intent. Certainly I don't want to deed the property to them."

Commissioner Borries said, "It was always my understanding that the county would remain responsible for the grounds, for the maintenance, for the capital improvements. And we were issuing here -- just like you do for computer services -- we have a computer situation where, in effect, the county is paying for the facility in which they have all the computer equipment and we have contracted with them for services."

Commissioner Willner said, "We don't own the computers at all..."

Commissioner Borries said, "I know we don't; but we own the facility."

Commissioner Cox said "We don't own this building."

Commissioner Borries said, "No, but we are paying the rent on the building -- we are accepting that responsibility."

Mrs. Cox said, "Rather than a computer, we are having the sociologists and other....."

Commissioner Willner said, "We have to pay rent on this building until it is paid off, then we no longer have to pay the rent. After that, all we pay is the maintenance."

Commissioner Borries said "If there were any contractual arrangements with anybody for services, it was that -- I just think we're in a different ball game -- we're talking about the grounds."

Attorney John said that Mr. Lindenschmidt had an idea: Knock out the 3 year minimum and 5 year maximum and let them fill in their own length of the contract period. We may have some with one year, and we may have some with ten years -- and we can take that into consideration."

Commissioner Borries asked, "Do you want to make it a part of the interview process? Shirley, do you want to amend this and if we advertise not put a specified time? Or we could put three five (5) year periods subject to non-renewing for any reason -- if you want to specify that? I want the county to be able to have as much flexibility as any agency would. I understand, Bob, where you're coming from. You want somebody to deal with the plan on a long-term basis. By the same token, I think it is important that if for any reason, this becomes a matter of dissatisfaction, then the county should have the right to get out of the contract -- not just have an automatic renewal here."

Commissioner Willner said, "If I were bidding on this and you told me that I could either have it for five (5) years or twenty (20) years; let's say that the price I charge you for the five year period would be double that which I could give you for a twenty year period. Double. Now we're only talking about dollars saved for Vanderburgh County."

Commissioner Borries said, "The county budget is on a year-to-year basis and the State budget is on a bi-annual basis and I really feel that five (5) years is a reasonable period of time. I'd be willing to"

Mrs. Cox said, "Just look at the facility and see how over the last twenty (20) years the needs of our community have changed. If I were in the field -- not knowing what is going to happen down the line and more services come in from other areas, we may not want that home to operate twenty years from today like we want it to operate today."

Commissioner Willner said, "That's right -- and you have an option every five years....."

Commissioner Borries said "I just don't think you're penalizing anybody on a five year plan. I think that if the county is willing to commit for maintenance of that building, upgrading the facilities, that upon review and recommendation, five years is a good plan. Five years ago you might have had all kinds of revenue sharing monies and all kinds of monies from the Federal government that are not there now."

Commissioner Cox said "There might be a proposal that comes in where somebody wants to buy the entire place and provide the services. Is that a possibility?"

Commissioner Willner said, "I don't think so."

Commissioner Cox asked, "Now wait a minute; you don't think it is an option because you don't want it to be?"

Commissioner Willner responded in the affirmative. "I don't want it to be. I don't want to sell the place. But I certainly want to lease it lock, stock, and barrel."

Commissioner Borries said "I think we're going to have to wait a week and I don't think we're ready for specs, because that was just not my understanding...."

Mrs. Cox interjected, "What are we going to accomplish in a week?"

Commissioner Borries said, "Well, it just wasn't my understanding that"

Commissioner Willner said, "Where in the request does it say that the county will take the building and grounds and keep them up? Just tell me. It doesn't say at all, does it?"

Commissioner Cox said, "That's not part of it. The contract is for services."

Commissioner Willner said, "It is for all the services provided right there."

Commissioner Borries said, "Now we'll have to talk to whoever would be selected about the buildings and grounds. It is just assumed that we have responsibility for them because they are ours -- because they belong to the county. It's a service contract, as I see it. And I don't think we're going to have a lot of agencies, Bob, who would be wanting to commit any kind of advanced amount of money on either a short-term or long-term basis. Would you want to go in and just say I'm going to spend this amount of money and I may or not be there in five years? I don't see that. I see any agency coming in and wanting to bid on just what we have outlined here on services. I don't see them making any commitment for the grounds -- it's the county's grounds and the county's facility."

Commissioner Willner said, "I just think we'd be buying troubles if they want something the county can't furnish."

The Chair recognized County Engineer Andy Easley who said, "I think the scope of what you want from a bidder needs to be defined. The structural maintenance of the roof. What if he wants to remodel the kitchen? And what is the owner's responsibility? You want an operator and you're the owner. What are you going to do for the operator and what is he going to do for you? And I think the grounds, the roof -- do we paint every five years -- what would we do for him?"

Commissioner Willner said: "Question 1: Who is going to be the maintenance man? Do we hire a maintenance man?"

Mr. Easley said "That isn't spelled out."

Commissioner Willner asked, "Who is going to shovel snow off the sidewalk?"

Mr. Easley said, "These specs probably could be 1/8 inch or 1/4 inch thick."

Commissioner Willner said, "What I'd like to do -- I don't want to hold off for another week...."

Commissioner Borries said, "Well, I think we should, because if you feel that they are not properly spelled out...."

Commissioner Willner said "Let me finish now; let's make a # 7 down here that says, 'If you cannot live with any of these specs, give us your proposal and we will take it into consideration.' Just add that and we'll go with it."

Commissioner Borries said "We can do that; but I don't think that is going to address what you're saying. If you want a maintenance contract here -- if you want an agency to come in and say they're also going to spend x amount of dollars on the buildings, I think we're going to have to go back and add some more language here -- because I see a real difference here. There are already organizations here today who have expressed interest right off the bat. And I think there will be more. But at this point, I don't see any of those organizations saying that it was their understanding that they are going to be responsible for all the maintenance on the buildings and care for them."

Commissioner Willner said, "I don't either, but suppose they wanted to?" We're not going to let them? That would be ridiculous wouldn't it. But that is what it says. Let me ask you, suppose the first thing they said was, 'we want to change this wall', who is going to do it? We're going to say we don't want to do it because we don't have the money. Then we've ended the whole process."

Commissioner Borries said, "We're at a point here where we're still talking about Commissioner Willner's concerns and what we want to do about maintenance and responsibility for who changes walls and who is going to be the maintenance person and that sort of thing."

Commissioner Cox asked, "Would the input from County Council have any bearing at all on the way you feel about this contract, Bob? If so, I think they have a meeting scheduled for Wednesday and maybe we could meet with them after their 1:30 meeting. Maybe we could schedule a meeting at 2:15 p.m. on Wednesday to go over this contract -- about what their feelings are. To do any improvements out there we're going to have to have their backing and maybe they could...."

Commissioner Willner said "I'd certainly enjoy their input."

Commissioner Cox asked, "Could we say we're going to adjourn what we're going to do today until Wednesday at 2:30 p.m., at which time we'd consider this?"

Commissioner Willner said, "That is all right with me, too."

Commissioner Borries asked, "Are we going to make that April 1st deadline if we approve these today? We're not, are we?"

Commissioner Willner asked, "Don't we have to advertise twice?"

Commissioner Borries said "Connie, we're talking about the time line in terms of the deadline for your tenure out there. At this point, because of the questions Bob has raised, we might have to ask you to sacrifice one more month here in terms of some of the obligations if your organization would agree to allow you to stay on for another month. The reason is, because the State Welfare Department also has some concerns. We have to have a licensed person as Administrator out there. We could lose the licensing of Hillcrest if we do not. Would you have any objections if we call your agency to ask if there is a possibility of your staying on another month until we can get this matter resolved from the standpoint of some of the questions?"

Mrs. Davis indicated this would be agreeable to her.

Commissioner Cox said "I wish they'd clarify your salary, too"

Mrs. Davis said "That would be nice."

Commissioner Willner said, "Another point is that the contract says that we're asking for services as Contract Manager of the Hillcrest-Washington Home -- not of the services carried on in there -- but of the home. Is that not what it says? It doesn't say "children in the home" it says the home, itself."

Commissioner Borries said, "Bob I want to thank you for your comments here today. Can we take this under advisement at this time? President Borries subsequently announced that the Board will take this matter under advisement for one (1) week."

Mrs. Cox said, "A proposal may be based on air-conditioning in one of the large facilities."

Commissioner Willner said, "That is the first question they are going to ask. Who is going to put a new roof on the home and who is going to install air-conditioning. Those are the first two questions that are going to be asked -- and we have to answer those."

Commissioner Cox said "But, Bob we can't answer those."

Commissioner Willner said "You're right; you're exactly right. Unless you say to them, 'You take these responsibilities and then you give us a price'. Then we can, with Council's blessing."

Mrs. Cox said "Well, everything is going to be with the Council's blessing."

What if a company says, 'We will take the figure that you are now subsidizing the home and we will run it. If I am correct, that is \$86,000.00."

Commissioner Borris said, "No, no -- \$897,000."

Commissioner Willner said "The deficit is \$86,000.00 as I understand it - between your income and....."

Commissioners Cox and Borries did not agree, but indicated we're going to have to find out -- they believe that is going to vary according to how many children they are going to have out there.

Commissioner Willner said, "Absolutely it is going to vary."

Mrs. Cox said "I still think we need to meet with Council and keep them advised."

Commissioner Borries said they are going to meet on April 1st. However, County Auditor Sam Humphrey said he believes this has been postponed to April 8th.

Mrs. Cox said she has a note that Council is going to meet on Wednesday, March 25th. If they're going to be in here for that,, couldn't the Commissioners meet with them after that if they agree?

Commissioner Borries asked, "Can we do that with all the Open Door.....if we announce this today, we're within the time frame,, I think."

Commissioner Cox said if we can't do it, then it will have to be cancelled.

Commissioner Borries indicated he already has a 3:00 p.m. meeting.

Mrs. Cox said, "We'll skip that then."

Commissioner Cox said, "We're going to take it under advisement for one week....."

Attorney John said, "You may want to consider including in the request one section regarding major repairs, renovation of buildings, routine maintenance and upkeep -- as to whose responsibility that is. Naturally, the major renovation or any capital improvement of the building would be subject to Council funding, which could be included."

Commissioner Borries said, "Well, we could add those to this request. How would that be, Bob? Does that address some of the concerns you have?"

Commissioner Willner said, "Some; I really feel very strongly that we have to make up our minds one way or the other. And what if we say we are going to repair the roof and, for one reason or another, we don't or can't? Then what happens to the contract? Is it null and void?"

Commissioner Borries said, "I think it would be. It says that any contract entered will be subject to annual funding by the County Council of Vanderburgh County. So, if they don't fund it...."

Commissioner Willner said "Now you're talking about two different things."

Mr. Borris said, "No I'm not."

Commissioner Cox said "These are services. You mean the maintenance of the home and renovations and repairs."

Commissioner Willner said, "What if they say the roof leaks so badly that they can't use the building? Now the contract is null and void. If their administrator walks off the job the first day, then Hillcrest-Washington Children's Home is closed the first day -- that's the end of it. So let's don't let that happen. I'm sorry."

Commissioner Borries said, "Well, you shouldn't be; I think you've raised some valid points here. I don't have any answers for you. I just assumed that we were talking about the services for the children, the operation of the home and that the maintenance, repairs and capital improvements were the responsibility of the county."

Commissioner Willner said, "It may turn out that way; but I think we have to know which one it is and certainly County Council needs to know. And I really think that is a definite disadvantage of the whole contract. Whereas, if you give it to an organization to do both, then they are responsible for it and you don't have the problems that a lessor always has. I have about ten a year and I know the problems that come up. I have one with the U.S. where it says that if the flag pole doesn't operate you have to fix it within so many hours -- I understand these things. There are always intentions and if you don't spell them out, then you're in trouble from the start."

Commissioner Borries asked, "Do you want to have a public meeting on it? Or wait a week? I don't know. We probably should ask the County Attorney to draft a different set of proposals here."

Commissioner Willner said, "In talking to the State of Indiana, they said that another place in Indiana where their children's home was run by an outside firm, they have a contract -- and they were going to send that to us last week. Have we ever received that?"

Commissioner Borries said, "Not to my knowledge."

Commissioner Willner said, "That would be of great assistance to us."

Commissioner Borries said "Well then, we need to clarify your concerns. Let's get these down so we know where we are headed. First of all, we want to look at the length of the contract that is included in the request for bids. Is that right? You want to look at the length of the contract."

Commissioner Willner responded in the affirmative.

Commissioner Borries said "The other major concern then would be responsibility for general renovation and maintenance of existing facilities."

Attorney John said "You may want to differentiate between major repairs and maintenance due to normal wear and tear, such as painting, cutting grass, snow and ice removal, etc. You may want to address all of that in there and say what their responsibilities are, because I am sure they will want to include that in their charges, whether it is on a per diem or annual rate basis, because those figures are important."

Commissioner Borries said, "Well I think a lot of this will just have to be added to the contract. We'll just have to add an Item #7 down at the bottom or an additional page, whichever we want to do. He asked whether the Commissioners want to meet with County Council this week or just ask them to attend our meeting next week and discuss it on Monday March 30th?"

Commissioner Willner said, "Whichever you prefer -- I am agreeable."

Commissioner Borries asked County Auditor when County Council will have their next scheduled meeting? Is Council going to have a Finance Meeting this month at all, before their regular meeting?

Mr. Humphrey said he suspects they are, but he doesn't know that they are. He can contact Mark Owen.

Commissioner Borries said the request for bids concerning Hillcrest-Washington Home will be considered at the next Commissioners meeting, which will be March 30th. If at that time we need to schedule a meeting with the County Council, he will give 48 hours' notice of the public meeting.

RE: ORDINANCE AUTHORIZING CONSULTING CONTRACT FOR HILLCREST-WASHINGTON HOME

The Chair recognized Attorney Curt John, who said he presented the following ordinance for the Commissioners' approval -- with regard to additional compensation for Mrs Connie Davis for consulting services for operation of Hillcrest-Washington :

ORDINANCE AUTHORIZING CONSULTING CONTRACT
FOR HILLCREST-WASHINGTON HOME

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana are responsible for the operation and maintenance of Hilcrest-Wshington Home; and,

WHEREAS, the Board deems necessary a comprehensive study, evaluation and recommendation concerning the future operation and maintenance of Hillcrest-Washington Home; and,

WHEREAS, Connie Davis is acting interim Supervisor of Hillcrest-Washington Home and therefore familiar with the operation and needs of the Home; and,

WHEREAS, the study, evaluation and recommendation required by the Board are outside ths scope of Connie Davis' current responsibilities concerning Hillcrest-Washington Home,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Vanderburgh County that the Board is hereby empowered and authorized to enter into a Consulting Agreement with Connie Davis to compile and submit a recommendation concerning the future operation and maintenance of Hillcrest-Washington Home. The parties to the Agreement understand and agree that the work to be performed herein is not within the scope and duties already being performed by Connie Davis.

This Ordinance shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.

VANDERBURGH COUNTY COMMISSIONERS

By: Richard J. Borries, President
Robert L. Willner, Vice President
Shirley Jean Cox, Member

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY ON THE 23RD DAY OF MARCH, 1987 AND ON SAID DAY SIGNED BY THE MEMBERS OF SAID COMMISSION AND ATTESTED BY THE UNDERSIGNED AUDITOR OF VANDERBURGH COUNTY INDIANA.

Sam Humphrey, Auditor
Vanderburgh County, Indiana

Attorney John said the subject ordinance was drafted pursuant to a recommendation by the State Board of Tax Commissioners and the State Board of Accounts. He showed them a copy of the draft. If the Board of Commissioners passes this and ends up in a consulting agreement with her, he would recommend that a Disclosure Statement be filed by Mrs. Davis, disclosing her interest in this agreement and pursuant to Indiana Statute file said disclosure with the Circuit Court, since she is already receiving funds from the county for other services.

Mrs. Cox asked, "That is all she would have to put on that disclosure form, isn't it?"

Attorney John said, "Basically she would have to state what she is receiving and what her duties are, that she is not on the Board -- what she has to say is all set out in the statute."

Mrs. Cox said "She is doing these duties in addition to the Superintendent's duties."

Attorney John said the State Board of Accounts recommended the Ordinance and actually required that this be done under Home Rule prior to entering into the agreement. Then, it will have to be advertised. (Attorney John to advise secretary the advertising requirements.)

Motion to approve Ordinance was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commissioner Cox said, "Curt, at the last meeting we mentioned that if we have any ordinances, resolutions, or street vacations or whatever that are going to come up, we should notify you so you can be prepared to tell us whether these have to be advertised once, twice or whatever."

Again, Attorney John agreed to provide the secretary with information re advertising requirements for the aforementioned ordinance.

Angel Property: Attorney John said that in the last meeting, Mrs. Cox discussed the Angel property and the decision made by the Judge that it be certified as C-4. She wondered whether or not the Courts had the authority to do that rather than remand it back to the Board to give a ruling consistent with his. He said he has researched this, as well, and discussed it with the Attorney for the Area plan Commission. Although the normal procedure is to remand it back to the Board of Commissioners, in order that the Board's ruling is not inconsistent with the Judge's ruling, there have been numerous occasions where the Judge has just ordered the property rezoned and it has been held valid.

Mrs. Cox asked, "Is there a statute for that?"

Attorney John said, "No, no -- we're going on case law. I can get you some citations from previous cases. Mr. Wallace stated that there was a possibility that if it was appealed that, upon appeal, it may be sent back to the original Court of Jurisdiction and the ruling changed that it be remanded back to the Board of Commissioners for a vote. But it wouldn't appear to accomplish anything one way or the other, in his opinion. Questions were then entertained by Attorney John.

Kansas Road: It was reported by Attorney John that he is in the process of obtaining the correct legals for the vacation of Kansas Road and the plat map, as well as setting up a meeting with the Boseckers (?) and other parties involved on Mill Rd. He believes he can make a more detailed report next week.

Claims Against the County: Commissioner Cox passed along copies of two claims against the county, which she had received. Attorney John said he had received a copy of the Babbs claim against the county but not one concerning a civilian jailer.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period March 16 thru March 20, 1987.....report received and filed. Attached to the Wor Report was the following work schedule:

Gradall: Old Princeton Rd. and Darmstadt Rd.

Grader: Bottoms, Outer Darmstadt, Hilltop, Myrtle, Emge, Weiss, Wallenmeyer, Mann Rd., Bixler, Pruitt and Mann Rd.

Patch: St. Joe Rd., Burkhardt, Mt. Pleasant and Millersburg Rd.

Trash: Weinbach, Lynn, River Rd., Pollack and Burkhardt

Tree Crew: Bayou Creek, St. Joe Ave., 3700 Harmony Way and Mill Rd.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

Replaced pipe at 13500 Green River Rd.

Rip-rapped 1815 Green River Rd.

Replaced pipe at 9900 Darmstadt Rd.

Delivered 18" pipe on Schutte Rd., and rip-rapped Boonville-New Harmony Rd.

Put 53's on Nuebling Rd. and spread 53's on embankment at 9009 Darmstadt Rd.

Filled potholes on Wallenmeyer and Nisbet Station Rd.

Rip-rapped washout on Schaefer Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the County Garage and the Bridge Crew.....reports received and filed.

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/Hayes, Seay, Mattern & Mattern: Mr. Easley presented a claim in the amount of \$7,267.58 which is Progress Payment #2 for design on the "B" Street Underpass. It is his recommendation that the claim be paid.

Mrs. Cox noted that we had one of these claims come in before; but the claim wasn't signed and he sent it back. Is that included on this one?

Mr. Easley said it took about 10 days for him to get the signed claim back from Virginia and it was processed several weeks ago.

Mrs. Cox asked, "But it did not come through the Commissioners meeting?"

Mr. Easley responded, "Yes it did."

Commissioner Borries requested that Mr. Easley check on this. That was probably Progress Payment #1, was it not?

Mr. Easley said that is correct.

Mrs. Cox then queried Mr. Easley concerning Warrick Engineering.

He responded that this is the firm doing the survey on the "B" Street Underpass.

Mrs. Cox asked, "Why couldn't they use someone out of Vanderburgh County?"

Mr. Easley said they selected the firm they wanted to work with and he thinks the sub-agreement was approved by the Commissioners.

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

Guard Rail on Burkhardt Rd.: Mr. Easley said he understands the guard rail is completed on Burkhardt Rd. and he'd like for the Commissioners to look at it to see if they're satisfied.

Commissioner Willner said he thinks Mr. Easley notified the State concerning the guard rail problem on the north side where there had been an accident?

Mr. Easley said he had and the State said that would be repaired under their maintenance contract.

Meeting re Mann Rd.: Commissioner Willner said that he and Mr. Easley had a meeting last Saturday with Mr. Gene Adler, who farms a portion of ground north of Mann Rd. Would Mr. Easley want to give a summary report of what was discussed?

Mr. Easley said they reviewed where the concrete paved flume is going to be installed to protect the bottom of that ditch from erosion where it enters Big Creek. They also talked about some rip-rap on the south side and perhaps flatten out 150 ft. of the north bank, because it is nearly a 1:1 slope -- well, it's a little steeper than that and it needs to be flattened out a bit so the grass will grow. There might be a half a day's work there for a large back-hoe. He would have to concur with the request and he believes Commissioner Borries saw it and would probably have to agree. Mr. Adler has a good stand of grass growing on the rest of it. We were trying to stay within the right-of-way that we had agreed on and as the ditch got deeper and we stayed within the right-of-way, the slope got steeper.

Commissioner Borries asked, "But the rip-rap would be on the south side of that dam, wouldn't it -- that goes right into the Big Creek underneath the bridge?"

Mr. Easley said that is right. Mr. Adler has now given us permission to flatten this out.

Mrs. Cox asked Mr. Easley if he has a time table on that?

Mr. Easley said they agreed that we need about a five (5) day forecast of good weather like we had today. They're hoping to do this within the next three to four weeks.

Commissioner Willner asked that Mr. Easley get that permission in writing.

RE: TRAVEL REQUESTS

Kim Bitz/Vanderburgh Auditorium: The meeting proceeded with Commissioner Borries reading the following travel request letter:

March 23, 1987

To: Vanderburgh County Commissioners

Dear Commissioners,

I am requesting permission to travel to the District 2 meeting of the International Association of Auditorium Managers, to be held in Lexington, Kentucky on April 7 and 8, 1987. Fee for the meeting will be paid by the Convention & Visitor's Bureau. Our obligation will be one (1) night hotel lodging at \$85.00 plus the applicable taxes for one night (April 7) plus food and mileage. I will be driving my own car. There are adequate funds in the Auditorium travel account to cover these expenses. Thank you for your consideration in this matter.

Kim Patrick Bitz
Manager

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

Charles Althaus/Coroner: The following letter was read by Commissioner Borries:

To: All Indiana Coroners

Re: 1987 Seminar

Dear Coroner:

The Indiana Commission on Forensic Science, with the Indiana Coroner's Association require your presence (as set forth under Indiana Code 36-2-14-14) at a Seminar on Mass Disaster to be held April 23 and 24 1987, at the Adams Mark Hotel, 2544 Executive Drive, Indianapolis Indiana.

A reservation card for your convenience is enclosed. This card should be mailed to the Adams Mark Hotel directly, as reservation must be made by March 25, 1987, or you may call the hotel directly at 317-248-2481. Also enclosed with this mailing is a registration slip for your attendance at the meetings. Registration is \$30.00 for each person attending. This fee also includes two (2) luncheon tickets. Please return your reservation to the undersigned as soon as possible. Also note 1987 dues may be paid now or at the door.

Please remember this is a mandatory meeting, and your presence is required by law, as is the law that your county general fund must pay for your attendance at this meeting. Either mail your county voucher to me for signing or bring it with you to the registration desk. Attendance will be taken and

the County Commissioners of those counties whose coroners do not attend will be notified by mail of that coroner's non-compliance with the law.

INDIANA STATE CORONER ASSOCIATION

Motion to approve request was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: UNIVERSITY OF EVANSVILLE THEATER

President Borries read the following letter from Kim Bitz Manager/Vanderburgh Auditorium:

March 20, 1987

To: The Vanderburgh County Commissioners

Once again the University of Evansville Theatre has proved its' reputation for being the finest undergraduate theatre in these United States. This year marks their fifth appearance in the John F. Kennedy Center in Washington D.C., one of only six University or College theatres from a field of over 600 to be selected to perform in our nation's capital. This same honor has also been bestowed upon John David Lutz, Director of Theatre at U.E. No other University or director can claim this success. As a past graduate of this department of Theatre, I am very happy to have the honor of hosting a "pre-Washington" performance of "Oklahoma Rigs" Saturday March 28th at 8:00 p.m. in Vanderburgh Auditorium. As leaders of our County government, I know that you, too, are very proud to have this event in our facility. I hope your schedules allow you to attend.

Sincerely,

Kim Patrick Bitz

Commissioner Borries said he certainly thinks the Board would want to send a letter of congratulations to the University of Evansville Theatre. Is this agreeable with the other Commissioners? It was the consensus of the Board that a congratulatory letter should be sent.

RE: OLD BUSINESS

President Borries announced that a Drainage Board Meeting will be held immediately subsequent to the Commissioners' Meeting.

RE: ALEXANDER AMBULANCE SERVICE - MONTHLY REPORT

The monthly report from Alexander Ambulance Service for month of February was submitted.....report received and filed.

RE: BURDETTE PARK - FINANCIAL REPORT

President Borries submitted the following Financial Report from Mark Tuley, Manager/Burdette Park:

1987 STARTING BUDGET

1987 Budgeted	\$ 456,318.00
1986 Encumbered by Contract	66,368.84
Total 1987 Budget	\$ 522,686.84

EXPENDITURES & BALANCE 1/1/87 to 2/28/87

Total Expenditures	\$ 73,500.27
Total Balance	\$ 449,186.57

INCOME 1/1/87 to 2/28/87

Pool	\$ -0-
Rink	\$ 6,831.02
Rentals	\$ 10,637.00
Misc.	\$ 623.60
Totals	\$ 18,091.62

2/28/87

Total Expenditures	\$ 73,500.27
Total Income	-\$ 18,091.62
Deficit Sub-Total	\$ 55,408.65
Less Capital Improvements	-\$ 10,978.70
Total Deficit	\$ 44,429.86

RE: CLAIM

Bowers, Harrison, Kent & Miller: Claim from David Miller in the amount of \$10,063.21 for general representation and costs advanced concerning several legal matters was presented. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Voter's Registration (Release)

Amelia Tornatta Dep Regis. \$514.94/Pay Eff: 3/2/87

Armstrong Assessor (Appointment)

Emily Kron Part Time \$ 35.00/Day Eff: 4/1/87

Pigeon Assessor (Appointment)

Thomas P. Toon Part Time \$ 35.00/Day Eff: 3/16/87

Election Office (Appointment)

John Lee Jones Bal. Assem. \$4.85/Hr. Eff: 3/16/87

Hillcrest-Washington Home (Release)

Diane Reheman Cust./Laundry \$5.20/Hr. Eff: 3/23/87

Burdette Park (Appointments)

Jeff Craft PTGC \$4.00/Hr. Eff: 3/14/87

Greg Bruce PTGC \$4.00/Hr. Eff: 3/14/87

Circuit Court (Releases)

Edw. J. Montpetit W/R Guard \$15,750/Yr. Eff: 3/13/87

Joseph M. Schaefer PT SAFE \$ 5.00/Hr. Eff: 2/25/87

Stephen Fuchs *C.S.O. \$18,987/Yr. Eff: 3/13/87

Stephen Fuchs *C.S.O. \$ 1,091/Yr. Eff: 3/13/87

*Different accounts

Circuit Court (Appointments)

Robt. L. Saunders, Jr. W/R Guard \$15,750/Yr. Eff: 3/16/87

Warren J. Newman PT Bail Bond \$ 5.00/Hr Eff: 3/7/87

Edw. J. Montpetit *C.S.O. \$ 1,091/Yr. Eff: 3/16/87

Edw. J. Montpetit *C.S.O. \$18,987/Yr. Eff: 3/16/87

*Different accounts

Justus T. Hurd PT SAFE \$ 5.00/Hr. Eff: 3/7/87

Bryan Mayhew PT SAFE \$ 5.00/Hr. Eff: 3/7/87

RE: SCHEDULED MEETINGS

Wed. March 25

County Council w/Assessors

RE: TALL TIMBERS SUBDIVISION

Commissioner Borries asked Mr. Jeffers if he has sent a copy of his report on Tall Timbers to Mr. Jarrett?

Mr. Jeffers responded in the negative.

Commissioner Borries asked that Mr. Jeffers do this as soon as possible.

RE: CLOSING OF MILLERSBURG RD

Commissioner Cox asked the other Commissioners if they saw article in newspaper concerning closing of Millersburg Rd.? She said she received numerous calls, because residents understood the Vanderburgh County Board of Commissioners were going to be closing Millersburg Rd. for a five (5) year period. The article refers to Boonville Board of Commissioners. Evidently, quite a few Vanderburgh County residents use Millersburg Rd. and it is one of the very few roads that will cut underneath the new I-164. She didn't know whether the Commissioners wanted to look into this and perhaps talk with the Warrick County Commission.

Commissioner Borries said he saw this and he had a call re that portion of Millersburg past where the bridge is -- the portion past the bridge into the other county. If Mr. Bethel could look at it in terms of maintenance -- it is kind of rough. An individual called this week wanting some assistance there.

Commissioner Cox said there are a lot of implications in the newspaper article.

Commissioner Borries suggested the Vanderburgh County Commission contact the Warrick County Commission this week. The article said Peabody wants to close the following road sections: Bateman Rd. for one (1) year; Boonville-New Harmony Rd. for two (2) days with a six (6) weeks period to move equipment; and Millersburg Rd. for five (5) years.

Commissioner Willner said, "That's pitiful."

Commissioner Borries said, "We'll draft a letter expressing our concerns and see what they can find out. I believe this is just a proposal at this point."

Commissioner Cox said "I would certainly want to see the alternate route plan."

Mr. Jeffers said, "Millersburg Rd. is the back way to Chandler, IN. We just built the new Millersburg Rd. Bridge and that is the only way to Chandler."

Commissioner Borries said, "Again, we'll get together with them this week and express our concerns here."

The Chair entertained further matters of business to come before the Board. There being none, President Borries adjourned the meeting at 5:00 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers

AREA PLAN

B. Cunningham
B. Behme

EUTS

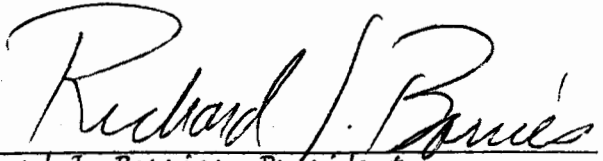
R. Zigenfus

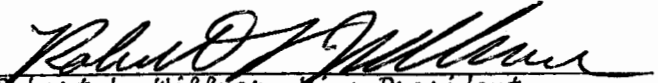
OTHER

K. Niehaus) Children & Family Services/Knox Co.
Joseph Owens)
Mark Avers)
Connie Davis/Hillcrest-Washington Home
Phil Garrison
Jim Fuquay
News Media

SECRETARY: Joanne A. Matthews

Richard J. Borries
Robert J. Miller
Shirley Jean Cox


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 30, 1987

The Vanderburgh County Board of Commissioners met in session at 2:35 p.m. on Monday, March 30, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of meetings held on March 9, March 16, and March 23, 1987.

Motion to approve aforesaid minutes as engrossed by the County Auditor and waive reading of same was made by Commissioner Willner, with a second from Commissioner Cox. She queried Commissioner Willner as to whether his motion included the minutes for the three week period and he responded in the affirmative. Mrs. Cox noted that on Page 4 of the March 23rd minutes, the correct wording in the 1st paragraph should read "on" cul-de-sacs. Mrs. Cox stated she has no further corrections.

Commissioner Borries said that with the noted correction, the minutes of all three meetings have been approved.

RE: AUTHORIZATION TO OPEN BIDS FOR LIGHTING SYSTEM/SOFTBALL FIELDS AT BURDETTE PARK

The Chair entertained motion to authorize County Attorney David Miller to open bids for softball lighting at Burdette Park. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly work Report for Employees at the County Garage for period of March 23 thru March 27, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Green River Rd., Vienna Rd., and Old Princeton Rd.

Graded
&

Rocked: Old Green River Rd., Staub, Kneer, Calf Lane, Neubling, Outer Darmstadt, County Line East, Armstrong, Wallenmeyer, Ruston Lane, Hornby, Fitzgerald, Nurrenbern, and pulled shoulders on Old State Rd.

Patch Crew: Orchard Rd., Burkhardt, Upper Mt. Vernon, Elm, Millersburg Rd., Spring Valley, and Dieffenbach.

Trash Crew: Bayou Creek and Burkhardt Rd.

Tree Crew: Old 460 and Green River Rd.

Road School: Seven (7) men attended school on Paving for nine (9) hours at the Ramada Inn. This seminar was put on by Blaw-Know.

RE: REQUEST FOR LEAVE OF ABSENCE - JAMES HOWELL

Mr. Bethel read the following letter to the Commissioners:

March 27, 1987

To: Vanderburgh County Commissioners

Dear Commissioners:

I hereby request a Leave of Absence for approximately six (6) months for James Howell.

This employee has exhausted all of his sick days, vacation days, and personal days, and this request is made due to a lingering illness, resulting from cancer surgery.

Thanking you for your consideration, I am

Sincerely,

Bill Bethel

Motion to approve the request was made by Commissioner Willner, with a second from Commissioner Cox. Mrs. Cox asked, "And his insurance will be included? He will pay only his regular amount and we will continue to pay the county's share?"

Mr. Bethel said it would be the same as we had with Mr Watson.

Commissioner Willner said, "I think he has to pay. I think Watson had to pay his."

Mrs. Cox said, "I would hope not. I think our Personnel Policy says that if the Commissioners approve the leave of absence, the employee pays his share (if it is a family plan it would be \$20.00 per month and a single plan would be another amount). But the county would continue to pay their share."

Commissioner Willner said, "I believe if it goes over six (6) months then the employee has to pay the full amount. I believe you're right."

RE: REQUEST TO GO ON COUNCIL CALL

Mr. Bethel said he is requesting permission to go before Council next month to seek appropriation of funds to begin the paving program. He doesn't have the exact amount at the moment; but he will have it by then and he would like the Commissioners' approval to go on Council Call.

Commissioner Cox asked, "Are we going to have another Road Hearing?"

Mr. Bethel said he has worked up every road that everybody asked for.

Mrs. Cox asked, "Is the County Council planning to conduct a Hearing on Roads?"

Commissioner Willner said he hasn't heard of any.

Mr. Bethel said, "Not to my knowledge."

Commissioner Cox said that somewhere along the line she thought we were to have another Road Hearing coming up.

Motion to approve Mr. Bethel's going on Council Call was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CO-OPERATIVE EXTENSION SERVICE - 1987 TRAINING SESSIONS

The meeting proceeded with President Borries reading the following letter from Jack D. Wade, Extension Agent of the Cooperative Extension Department:

March 25, 1987

To: Vanderburgh County Commissioners

From: Jack D. Wade

Re: Notification of 1987 Training Sessions for Staff

Th funds will come from our Travel Account.

Agent	Session	Date	Place
Youth Agent	Youth Winter School	Jan. 12-30	Tuzson, AZ
Ag & Hort Agts.	Nat. Ass'n. County Agts.	Aug. 9-13	Fargo, ND
Home Ec Agent	Nat. Ass'n. H.E. Agts.	Oct. 5-9	Louisville, KY
Youth Agents	Nat. Ass'n. Co. Youth Agents	Nov. 8-12	San Diego, CA

If you have any questions, please call.

Sincerely,

Jack D. Wade

RE: CONTRACT OF BAILMENT ON RENTAL OF TABLES & CHAIRS
FOR PRIMARY ELECTION

President Borries read the following letter from Jon Hill,
Manager of Roberts Municipal Stadium:

March 18, 1987

Margie Meeks
Board of Commissioners
305 Administration Building
Civic Center Complex
Evansville IN 47708

Dear Margie,

Your request for the rental of 110 folding tables and
350 folding chairs for the Primary Election was approved
by the Parks Department at its March 10 meeting.

Two copies of the loan agreement are enclosed. Please
sign both and return to me. After they are signed here,
one copy will be returned to you.

Sncerely,

Jon W. Hill

It was noted by President Borries that Mrs. Meeks had indicated
the cost is the same as last year. A motion was entertained.

Motion to execute the foregoing contract was made by Commissioner
Willner, with a second from Commissioner Cox. So ordered.

RE: BIDS FOR LIGHTING SYSTEM/SOFTBALL FIELDS AT BURDETTE PARK

The Chair asked Attorney Miller for a report on the bids for
softball lighting at Burdette Park.

Attorney Miller said that with regard to the lighting system for
the two softball fields at Burdette Park, the first bid was
submitted by Musco Lighting, Inc. of Muscatine, IA. This bid is
for the lighting system, complete with lamps. As he understands

it, this is for materials only. The bid is in the amount of \$23,250.00. Included in the bid is a design showing placement of those lights. The bid is in order in every respect.

The second bid is for installation (Labor only). This bid is from Mounts Electric, Inc. and is in proper form and accompanied by proper bid bond. Bid is in the amount of \$10,500.00.

The third bid is for labor only and was submitted by Swanson-Nunn Electric of Evansville. The bid is properly executed and properly supported by bid bond. Bid is in the amount of \$12,510.00 for labor only.

A fourth envelope was submitted by Evansville Electric Manufacturing, Inc., but it was a letter of no bid -- simply returning the bid documents. These were all of the bids submitted.

President Borries asked if Messrs. Dorsey and Tuley want to give the Board a report yet today, after perusing the bids?

Mr. Dorsey responded in the affirmative.

Commissioner Cox asked whether there is a time element in the bid for completion?

Mr. Dorsey said there is; it depends upon when the bid is actually awarded. However, he believes we have a date of April 20th or no less than 21 days following the actual receipt of order.

Mrs. Cox asked, "And both Mounts Electric and Swanson-Nunn were able to meet that time element?"

Mr. Dorsey said they need to look at the bids to make certain they meet all of the specifications. and they will report back before the Commissioners adjourn today's session.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Agreement re Legal Aid Society: Attorney Miller said he had a telephone call and then a mailing from the office of the Indiana Attorney General, indicating to him that they were returning to us the Inter-Local Governmental Agreement between the City and the County and the Legal Aid Society of Evansville, which creates a Joint Department of Legal Services for the operation of Legal Aid and delegating authority over that department to Legal Aid. It was submitted last May with all the signatures of all of the appropriate City/County officials. The document was prepared by Attorney Jones last year. The letter from the Attorney General's office references the agreement and said, "The above agreement was received by our office on June 3, 1986. The agreement was not rejected nor approved within the time period specified by Indiana Code 36-1-7 and therefore the agreement is deemed approved by operation of law.

Attorney Miller said the minutes, therefore, should reflect that this agreement is received and it should be returned to and placed in the custody of the County Auditor. It has already been signed by everyone here.

Commissioner Borries said that with Attorney Miller's comments, the copies are a matter of record and will be on file in the Auditor's Office, together with the letter from James W. Turpin, Deputy Attorney General, State of Indiana.

RE: AGREEMENT WITH UNITED CONSULTING ENGINEERS, INC. RE GREEN RIVER RD. PROJECT FROM MORGAN AVENUE TO HECKEL RD.

Attorney Miller said he has had an opportunity to read and give his approval as to form to the agreement submitted by United Consulting Engineers Inc. for the Green River Rd. project from

Morgan Avenue to Heckel Rd. As he understands the scope of the agreement, the agreement appears to be in proper form and he thinks that the County Engineer has had an opportunity to look at it in terms of the specific terms of the agreement and whether or not that complies with his understanding of what United Consulting Engineers is committing itself to do. The agreement is in appropriate form for the Commissioners signatures, assuming that he agrees that they have described their duties properly. That is the only reservation he has, because he was not involved in the negotiations defining exactly what United Consulting Engineers is going to do.

Commissioner Cox queried Attorney Miller concerning the total amount of the contract?

Attorney Miller said it is \$141,400.00, broken down as follows:

Verification and updating of survey for project...	\$ 23,100
Design Study and Report	2,800
Attendance & Participation in Public Meetings/ Public Hearings	1,200
Road Design & Plans.....	\$103,300
Soils Plans will not exceed.....	\$ 11,000
(Indication is that it may be somewhat less than that.)	

Attorney Miller said this is all set forth in Appendix "D" of the document.

Commissioner Cox asked if they included a time frame for completion?

Attorney Miller said, "Yes; Field Books for Preliminary Approval within sixty (60) calendar days after Notice to Proceed. Field Survey will be completely final within one hundred fifty-five (155) calendar days after receipt of the local public agency comments. All of the work under the agreement would be completed and delivered to us no later than three hundred thirty-five (335) calendar days after notification to proceed exclusive of the local public agency's review time. So while they are mandatorily stopped waiting for our review and comments, that doesn't count against the 335 calendar days. But I would point out that it says calendar days and not working days. So we're talking about eleven (11) months."

Commissioner Willner interjected, "Also, that fee is subject to less what portion they can use from what has already been done. They do not know what that is yet; they are going to pick up the plans from the City tomorrow."

Mrs. Cox said, "Well, they didn't tell us that when we had a conference with them -- that they had looked at them and didn't feel that much of it at all was salvageable."

Commissioner Willner said, "Now they're wondering if they looked at everything that was there that was ready."

Question was brought up as to whether the Commission needed to approve subject agreement. Attorney Miller advised the Commissioners to approve the agreement at this meeting if they are going to sign it at this meeting. A motion was entertained by the Chair.

Motion to approve the agreement with United Consulting Engineers, with the County Attorney's approval, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR BIDS RE OPERATION OF HILLCREST-WASHINGTON
CHILDREN'S HOME

In proceeding, Attorney Miller distributed copies of a Request for Bids leading to a possible Contract Manager for the Hillcrest-Washington Children's Home facility. He said this document is substantially in the same form as it was when the Commissioners examined it last week, with two changes:

Paragraph 1 (c): The language has been changed to read as follows: "Bidder must document at least three (3) years experience in the field of Social Services and/or Child Care." as opposed to three years experience in the field of supervision or a residential child care facility

The reason for that is, that in examining around the various organizations that might be capable of doing this, we felt the language as previously drafted was far too restrictive and would result in the inability of several qualified organizations to bid.

The second change is as follows:

Paragraph 2(G)(i): We have asked that the bidder also describe to us what provisions the bidder would make for the maintenance of the facility and the grounds. The previous form of Request for Bid did not ask for any information regarding the inclusion of facility and ground maintenance in the contract price -- and we think that is something that needs to be taken into account in evaluating the various bids which we might receive -- because the county will either have the responsibility of maintaining the grounds or will contract it away and we need to be able to compare the bids on that basis.

Other than the foregoing, Attorney Miller said the document is the same as submitted last week. It is his recommendation that the Commission limit the period of time of a particular management contract to the five (5) year period, because it seems very possible in his experience that they might find themselves in the position of having engaged a contract manager who or which is in technical compliance with all the provisions of the contract but nevertheless not conducting its business out there in a manner of which they approve. Therefore, there should be a review available to the Commission at the very least every five (5) years. It seems obvious to him that if the eventual successful bidder on this first round is complying with the kind of operation that the Commission believes is needed, then the Commission would opt at the end of five (5) years to continue the services of that organization, rather than move the contract around in response to a few dollars to be possibly saved. So it just seems advisable to him to give the county the review capability -- at least every five (5) years. Thus, he submits this document to the Commission with the recommendation that it be adopted and published the required two (2) weeks so the bids can be opened as soon as possible.

Commissioner Borries entertained comments or questions. There being none, a motion was entertained.

Motion was made by Commissioner Willner that the Request for Bids be approved and advertised for two week period, with bid opening scheduled on Monday, April 20, 1987, with a second from Commissioner Cox. So ordered.

Attorney Miller said the appropriate general language will need to be inserted in the bid and the Purchasing Department can take the bids. (Copy of advertisement attached hereto, which will appear in Courier & Press on April 3 and 10, with bids being opened on Monday, April 20 1987.)

RE: COUNTY ENGINEER - ANDY EASLEY

Old Petersburg Place II/Improvement Plans: Mr. Easley said he has a set of improvement plans for Old Petersburg Place II. He has checked all of the revisions. The developer would like to have them approved next week. He is presenting a set of plans to each of the Commissioners for their perusal. If they have any questions, they can call him personally. Mr. Easley then entertained questions. There were none.

RE: AWARDING OF BIDS FOR LIGHTING SYSTEM - SOFTBALL FIELDS AT BURDETTE PARK

Mr. Dorsey advised that they reviewed the bids received and they need to be awarded in two parts. The first part is the purchase of the materials for the lighting system. There was only one (1) bid submitted, which was from Musco Sports Lighting in the amount of \$23,250.00. Three Hundred Dollars (\$300.00) of that quote was included as cost for a performance bond. Since we have a bond on the purchase itself and they won't be making the installation, there won't be a need for a performance bond. Thus we'd deduct that \$300.00 cost to bring the cost of the system down to \$22,950.00. It is their recommendation that the bid for the lighting system materials be awarded to Musco Sports Lighting in the amount of \$22,950.00.

The Chair entertained a motion.

Motion to award the bid to Musco Sports Lighting in the amount of \$22,950.00 was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

There were two (2) bids for the installation of the system, as follows:

<u>Mounts Electric:</u>	\$10,500.00
<u>Swanson-Nunn Electric:</u>	\$12,510.00

Mounts Electric is the low bidder. Their documents indicate that they do meet the specifications and it is their recommendation that the contract for installation be awarded to Mounts Electric in the amount of \$10,500.00.

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

Mr. Tuley said there will be other costs, because Burdette Park personnel are doing part of the work. They have to rent a trencher and will do the trenching. They have thirteen (13) of the sixteen (16) posts already secured. If he can't get the three poles (which he is sure he can), it is his understanding that they should have them. If not he needs the Board's permission (with the Purchasing Department) to buy the other three poles. They will have one other cost and that is the augering of the holes for these. Thus, he needs permission to go ahead and award that contract. There are only two companies in town who have a truck with an auger that size. He will get both of them out to Burdette to see what kind of price they are willing to negotiate for the augering of those holes for the poles. He would imagine that the total cost for this would not exceed \$100 or less per hole; so we're talking about approximately \$1,600 or less. When the project is complete, he will come back to the Board and give them a complete breakdown of the cost. Obviously, they will have money to give back to the Council. It is his understanding that Burdette received a check today from the West Side Nut Club to go toward this project in the amount of \$2,000.00. He will be bringing that check to the Commissioners. He will be back to the Commissioners with a complete breakdown of costs and a letter to repeal the rest of the money back to County Council.

Commissioner Borries said he knows Mr. Tuley will send a letter of appreciation to the West Side Nut Club.

The Chair entertained a motion to grant permission to Mr. Tuley to secure the services as outlined (rent the trencher, obtain augering services and purchase the three poles, if necessary).

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

RE: CORPS OF ENGINEERS RE FLOODING PROBLEMS IN PIGEON CREEK BASIN

President Borries read the following letter from the Corps of Engineers:

March 24, 1987

Mr. Richard J. Borries, President
Vanderburgh County Board of Commissioners
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Mr. Borries:

I am writing per your recent telephone conversation with Jim Duck, of this office, regarding a study of flooding problems in the Pigeon Creek Basin.

I am enclosing a suggested draft letter which you may use as guidance in preparing a signed version to return. Receipt of the enclosed letter within a few days will allow us to request Fiscal Year 1989 New Start Funds for the Reconnaissance stage of a survey study of flood problems and solutions in the Pigeon Creek drainage area.

Thank you for your interest.

Sincerely,
Neal E. Jenkins, Chief
Planning Division
Department of the Army
Louisville District
Corps of Engineers

The suggested draft letter read as follows:

Colonel Robert L. Oliver
District Engineer
Corps of Engineers
600 Federal Place
Louisville, KY 40201

Dear Colonel Oliver:

We are writing to confirm our continued interest in the Corps of Engineers initiating survey studies of flood problems in the Pigeon Creek Basin.

We understand the two stage study process, in that the first, or Reconnaissance Stage is 100 percent Federally funded and would be conducted over a 12 month period. The second or feasibility Stage is 50-50 cost shared with a local sponsor and that at least one-half of the local sponsor's share must be in case or contract payments and up to one-half can be provided by in-kind service.

The Board of Commissioners, Vanderburgh County, Indiana, is willing to cost share the Feasibility stage of study subject to the Reconnaissance stage conclusions being satisfactory to us.

Sincerely,

Commissioner Cox said she thinks this sounds like a pretty good deal.

Commissioner Willner asked, "Does it commit us?"

Commissioner Borries said, "It says that it commits us to the first stage, which they will fund 100%. Subject to the Reconnaissance Stage being satisfactory to us, we would then be willing to cost share the Feasibility stage. If we don't like the first stage, we don't proceed. But if we do, we pay half. The Chair entertained a motion.

Motion to approve forwarding of letter to Colonel Oliver was made by Commissioner Cox, with a second from Commissioner Willner. So ordered. (Commissioner Borries asked that Mr. Lindenschmidt see that the letter is sent on the Commissioners' stationery.)

RE: ACCEPTANCE OF CHECK - CORROON & BLACK CORP.

President Borries read the following letter:

March 26, 1987

Mr. Jim Lindenschmidt
Room 305 - Civic Center Complex
Evansville IN 47708

Re: Sharon Yunker vs. Vanderburgh Co. D/A: 6/29/86

Dear Jim,

It seems our efforts to subrogate against the company that manufactured the defective parking lot gate have proved successful. Please find enclosed a check in the amount of \$190.35.

We have erased this amount from our file and should you have any questions, please do not hesitate to call.

Sincerely,

Gene Boldrick
Claims Representative

Commissioner Borries asked if Mr. Lindenschmidt has any comments regarding the check?

Mr. Lindenschmidt said this was on a claim we had paid on the gate at the Auditorium Parking Lot. They pursued it to the company who installed the gate and said company reimbursed our insurance account for that amount. The check should be endorsed and put back into the Self-Insurance Fund.

The Chair entertained a motion.

Motion to accept check, endorse same, and deposit the \$190.35 into the Self-Insurance Fund account was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATE OF INSURANCE

Shelton Insurance: Wedding Reception (Michael & Julie M. Phillips) at Vanderburgh Auditorium on June 13, 1987 received and filed.

RE: OLD BUSINESS

Hillcrest-Washington Children's Home/Provisional License: Mr. Borries read the following letter from the State of Indiana:

March 26, 1987

Ms. Connie Davis
Interim Superintendent
Hillcrest-Washington Home
2700 W. Indiana - P.O. Box 6347
Evansville IN 47712

Dear Ms. Davis:

Enclosed is the child caring institution license for Hillcrest-Washington Home. Please note that it is a provisional license to expire May 1, 1987. Approval has been received from the State Board of Health which means you are in full compliance on health issues.

This provisional license reflects the temporary nature of the Superintendent's position. We cannot more strongly emphasize the need for a qualified Superintendent and qualified staff at the Home. Please keep the Residential Licensing Unit apprized of the status of the Home's management.

Thank you for your attention to this matter.

Susan J. Stanis, Director
Child Welfare/Social Services
Division

cc: Richard Borries, President
Vanderburgh County Commission

RE: LETTER OF INTENT FROM SOUTHWESTERN INDIANA MENTAL HEALTH
FOUNDATION RE OPERATION OF HILLCREST-WASHINGTON HOME

It was noted by Commissioner Borries that a Letter of Intent concerning the Hillcrest-Washington Children's Home had been received as follows:

"March 30, 1987

Mr. Richard Borries, President
Vanderburgh County Commissioners
Room 305
Civic Center Complex
Evansville IN 47708

Dear Mr. Borries:

The Southwestern Indiana Mental Health Foundation, Inc., in cooperation with the Southwestern Mental Health Center, Inc., declares its intent to submit a proposal to the Vanderburgh County Commissioners to operate Hillcrest-Washington Children's Home consistent with a Request for Proposal to be published by the Commissioners.

Specifically, an excerpt from the minutes of the Board of Directors' meeting held March 25, 1987 states:

A motion was made by Melissa Vandever and seconded by Helen McCormick that the Foundation submit a proposal to the County Commissioners for the operation for Hillcrest-Washington Children's Home that would provide for the Foundation either to sub-contract or to develop a joint venture with Southwestern Indiana Mental Health Center, Inc. Motion carried. (Richard Borries, abstaining.)"

President Borries said the letter has the names of the Directors and the members of the Foundation and is signed by Gerald H. Evans President of the Southwestern Indiana Mental Health Foundation, Inc.....letter received and filed.

RE: CLOSING OF MILLERSBURG RD.

Commissioner Borries said he wrote a personal letter to Keith Shelton, President of the Warrick County Commission, and also contacted him via telephone the following day. (Incidentally, the speed of the letter was rather remarkable. Jim Lindenschmidt handed the letter to the mailman at 6:00 p.m. in the downstairs lobby, and the next morning at 8:00 a.m., the Warrick County Commission was calling. It was unbelievable. He couldn't believe it. He said the delivery service is different from that in his area -- because he's talking about days sometimes -- and he has expressed his concerns to the Postmaster on occasion concerning the delivery service in his area. In any event, Mr. Shelton said that this portion of Millersburg Rd. had been closed for some seven (7) years now. It is a portion just east of Boonville in the area that already has been mined by the Wolf Creek Mine and does not involve any of the area which the Vanderburgh County Commissioners were concerned about -- beneath or near the bridge that was recently constructed. Therefore, there will be no disruption of traffic in that area.

RE: TALL TIMBERS SUBDIVISION

With regard to Tall Timbers Subdivision, Commissioner Borries said he has read the lengthy report, which contains many different items that he supposes would need to be clarified not only with the Surveyor's Office but also with Mr. Jarrett's firm (the developer of the Tall Timbers project). The report was so lengthy that a copy has been delivered to Mr. Jarrett's office. As of yet, no comment has been received from Mr. Jarrett concerning any modifications or suggestions. (Mr. Lindenschmidt reported that Mr. Jarrett was not in the office when he delivered the report, but he did hand it to Mr. Jarrett's secretary.)

RE: FEDERAL HIGHWAY BILL

Just minutes prior to today's Commission meeting, the Secretary for the Association of Indiana Counties called to ask the Commissioners (if they see fit) to call their Senators regarding support for the Federal Highway Bill. She said that this would amount to \$250,000,000.00 for the State of Indiana. The telephone numbers for the Senators are as follows:

Senator Lugar.....	202/224-4814
Senator Quayle	202/224-5623

"The bill has generated a lot of controversy because of the things that are in it, but I suppose that each of us needs to (if we see fit) -- as I say, I was so concerned a few weeks ago that I wrote a letter to the Speaker of the House to see if we could get this bill out. All 435 Congressmen have projects that, I guess, that when you begin to divide the pork barrel it is always in somebody else's state. If it happens to do with our state -- with the Lloyd Expressway, it is more for economic development. So I know there are controversies but, again, I call it to the Commissioners' attention to say that it does involve funding for our area, specifically on the Lloyd Expressway and other projects and also, again, for our state."

RE: PARKING FOR EVENING EVENTS AT VANDERBURGH AUDITORIUM

It was noted that at a recent Philharmonic Board Meeting, there was discussion concerning parking at evening events at the Vanderburgh Auditorium (especially on days like today) which causes considerable problems when people park along the island that is directly across from the Auditorium on Locust Street. The Philharmonic Board (in fact, I guess it generated a bit of discussion, because there were some members of the Philharmonic Board who park along there -- and they wanted to continue to do so because they have to bring things in) -- at any rate, the Philharmonic Board wants the Commissioners to possibly consider passing some kind of ordinance that would prohibit parking along

that island, so that elderly residents and people who need to be picked up could do so without all the congestion. (He abstained on that, since he knew he would have to discuss this and vote on it again.) The immediate problem that he sees (which is why we may want to refer this to the Auditorium Board -- he is not asking for a decision on this, but told them he would bring it before the Commissioners for their input and discussion) is the problem of enforcement, since we do not have any evening enforcement that he is aware of -- and he sees this as a major problem. In any event, he is bringing this matter to the attention of the Commissioners. If they would like, perhaps this should be sent to the Auditorium Board to determine their feelings.

Mr. Lindenschmidt reported that this was discussed at the last Auditorium Board Meeting (which he attended). They talked about putting signs out there for those performances. Or, they also have police officers on duty there who could make the people move on. Insofar as the meter police are concerned, they are not on duty at that time of night -- so you can't have them patrol it. It is going to have to be police officers -- and they do have police officers on duty, so he was told. But it was discussed at length at the last Auditorium Board Meeting -- that possibly they could place some wooden "No Parking" signs out there as they do for other events or when they're sweeping the streets, or whatever.

Commissioner Borries said, "Again, I think the Commissioners should give the matter some thought. The Philharmonic Board did pass a Resolution asking for consideration. Has the Auditorium Board acted at all on this? Mr. Lindenschmidt said that since a couple of the Philharmonic Board people are on the Auditorium Board, that they want an ordinance passed. He brought up the question, "How do you get it enforced?" He said that since police are on duty they could just move them on and tell them they can't park there.

Commissioner Borries asked, "Does every evening event have a policeman on duty?"

Mr. Lindenschmidt said, "Not all of them. But the only one complaining is the Philharmonic. You can drive through there and let people off and drive out anyway -- but apparently they don't want to wait that long when there are four or five people in line."

Commissioner Borries said, "Well, there is a big crowd there and that is a problem. It has probably been more aggravated at some of the Philharmonic Concerts because of the large crowds. Again, I am not asking for any decision today. Would it be the feeling of this Board that the Auditorium Board should discuss the matter further and then make recommendations to the Commissioners?"

It was the consensus that this should be the route to go.

RE: ORCHARD ROAD BRIDGE ENGINEERING CONTRACT

Commissioner Willner said he believes the Board should award the contract on the Orchard Road Bridge project, because he is certain the State wants to finish that project this physical year. If it is agreeable to the other two Commissioners, he would like to see Veach, Nicholson & Griggs have the contract for the engineering on the Orchard Rd. Bridge.

Commissioner Willner then asked, "There were three consultants -- and we wanted them on North/South Green River Rd.?"

Mr. Borries said that is another project -- subject to availability of funding for the South Green River Rd. project,, which will tie in south of Pollack Avenue to where I-164 will intersect there on Green River Rd. at the levee.

Commissioner Cox asked Mr. Willner what he is basing his recommendation on over the other two that gave us some discussion?

Mr. Willner responded, "Well, I think we invited three of them to give us proposals and then of the three, they would all three get a job. I think that is better than giving it all to one. First of all, I think you get a faster job and you probably get more detail and more time on the project I think, if they just have one. But I would like to see the wooden one-lane bridge get over with. That is the last one in Vanderburgh County -- and I'd like to get rid of it as soon as possible."

Mrs. Cox said, "Well, I don't know how much experience Mr. Veach has had in building bridges or anything like that. I think his time table would fit in very well. He said he felt like he could have it done within a three (3) month period and I think the others were within a year's period. Based on that, he did not quote us a price or estimate as to how much it would be. I would like to know the estimate. I know what the other two have estimated -- so if it is in the same ballpark, I have no problems. When the contract comes in, we can see what the fee is going to be."

The Chair entertained a motion.

Motion was made by Commissioner Willner that we continue with Veach, Nicholson & Griggs to get a contract for the engineering on the Orchard Rd. Bridge, with a second from Commissioner Cox. So ordered.

RE: SCHEDULED MEETINGS

Wed.	April 1	6:00 p.m.	APC Meeting
Wed.	April 8	2:30 p.m.	County Council Mtg.

RE: CLAIM

Am-Con Limited: Claim in the amount of \$152.00 for Permit fee refund (#5479V). Motion to approve payment of claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

County Clerk (Appointments)

Charlene Appman	Dep. Clerk	\$514.94/Pay	Eff: 3/30/87
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County Clerk (Release)

Mary E. Coker	Dep. Clerk	\$514.94/Pay	Eff: 3/30/87
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County Auditor (Releases)

Georgia Benson	Posting Supv.	\$13,551/Yr.	Eff: 4/13/87
Lena Sherman	Posting Clerk	\$13,440/Yr.	Eff: 4/13/87

County Auditor (Appointments)

Lena Sherman	Posting Supv.	\$13,551/Yr.	Eff: 4/14/87
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County Treasurer (Appointments)

Patricia Tutt	Extra Help	\$35.00/Day	Eff: 3/26/87
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Perry Township Trustee (Releases)

Leo Strange	Janitor	\$2,022/Yr.	Eff: 3/16/87
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Perry Township Trustee (Appointments)

Mary Cooper Janitress \$2,022 Eff: 3/23/87

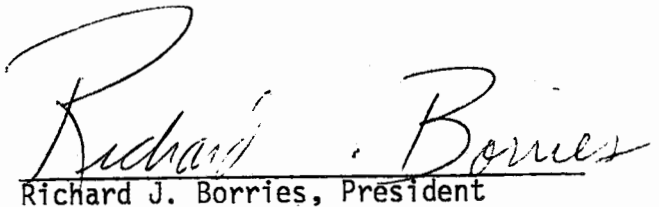
Voter's Registration (Appointments)

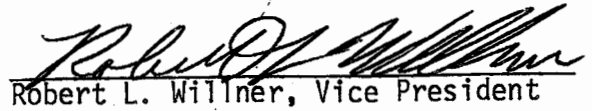
Carmen McAtee Deputy \$514.94/Pay Eff: 3/23/87

There being no further business to come before the Board at this time, President Borries adjourned the meeting at 3:42 p.m., with an announcement that a Drainage Board Meeting will be held immediately following the Commissioners Meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries	Sam Humphrey	Curt John
	R. L. Willner		
	S. J. Cox		
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>EUTS</u>
	Bill Bethel	Andy Easley	Rose Zigenfus
	<u>PURCHASING</u>	<u>BURDETTE PARK</u>	
	Tom Dorsey	Mark Tuley	
	<u>OTHER</u>		
	News Media		

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox Member

REQUEST FOR BIDS

Notice is hereby given that the Department of Public Purchase of the City of Evansville and Vanderburgh County, Indiana, Room 308, Civic Center Complex, Evansville, Indiana, acting for and on behalf of the Board of Commissioners of Vanderburgh County will, until the hour of 2:30 p.m. on Monday, April 20, 1987, receive sealed bids for the management of the Hillcrest-Washington Children's Home.

General Requirements:

- 1) Bid shall exclude all Federal and Indiana State Sales Taxes as exemption-certificates will be furnished to the successful bidder.
- 2) Bids must be accompanied by a Certified Check or an acceptable Bid Bond in the amount of not less than five percent (5%) of the amount of the bid as evidence of good faith of the bidder. Such deposit shall be subject to forfeiture in the event the bidder fails to execute the contract in accordance with the bid.
- 3) The County Commissioners of Vanderburgh County, Indiana reserve the right to reject any or all bids and to waive any non-material informalities in the bids if considered in the best interest of Vanderburgh County.
- 4) Bids must specifically address each of the items provided in the Request for Bids. Failure to address each item may result in the rejection of the bid.
- 5) Each bid must be submitted with Standard Bid Form No. 95, wherein the Non-Collusion Affidavit must be completed in accordance with the requirements of the Indiana State Board of Accounts. Standard Bid Form No. 95 may be obtained from the Department of Public Purchase, Room 308, Civic Center Complex.

PROPOSAL REQUIREMENTS

WRITTEN BIDS ARE REQUESTED FROM ALL QUALIFIED AGENCIES FOR ENGAGEMENT BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, TO SERVE AS CONTRACT MANAGER OF THE HILLCREST-WASHINGTON CHILDREN'S HOME FOR A MINIMUM PERIOD OF THREE YEARS AND A MAXIMUM PERIOD OF FIVE YEARS AND SUBJECT TO SUCH OVERSIGHT BY THE BOARD OF COMMISSIONERS OR ITS DESIGNEE AS MAY BE REQUIRED BY THE BOARD.

1. Qualifications of Contract Manager.
 - A. Bidder must have, at the time of its bid, all necessary certifications, licenses, approvals and accreditations required by the statutes of the State of Indiana and Department of Public Welfare regulations promulgated pursuant thereto.
 - B. Bidder must meet all requirements and standards necessary to assure the continued status of Hillcrest-Washington Children's Home as a Certified Residential Treatment Facility under the statutes of the State of Indiana and the standards and regulations promulgated pursuant thereto by the Indiana Department of Public Welfare.
 - C. Bidder must document at least three years experience in the field of social services and/or child care.
 - D. Bidder must currently employ one or more individuals who would be assigned to the on-site full-time administration of the Hillcrest-Washington Children's Home and who meet the following minimum standards:
 - a) Twenty-five years of age;
 - b) Masters Degree from accredited college or university in social work, education, medicine, psychology, nursing or an allied profession; and
 - c) Four years' experience in a human services field.
2. Bids must contain the following specific information:
 - A. Length of contract period.
 - B. Date of first availability.
 - C. Lump sum annual contract price.
 - D. Payment schedule required.
 - E. Number, job description, education qualifications and employment background of all support staff.

- F. Types of clients to be served.
- G. Description of specific provisions you would provide for the following services:
- a) Emergency shelter;
 - b) Long-term residential services;
 - c) Independent living program;
 - d) Educational services;
 - e) Social development services (activities/recreation);
 - f) Evaluation, diagnostic and counseling services;
 - g) Family liaison and foster home liaison and following services;
 - h) Medical and dental care; and
 - i) Facility and grounds maintenance.
- H. Bidder must describe its procedure for employee background investigation.

3. The bidder must set forth its charge for the service to be rendered both in the form of maximum annual charge and, if applicable, any per diem charge or charges which will be made which will cause the annual contract price to increase or decrease depending upon the number of clients being served. The bid must enable the County to determine its maximum annual expenditures under the terms of the proposed contract and any reduction to which the County will be entitled upon any basis whatsoever. The bid must also propose a payment schedule for the County's obligations to the successful bidder.

4. Any organization which is the successful bidder must be willing to enter into an enforceable covenant with the Board of Commissioners which would require that the Contract Manager will provide all services and conduct all aspects of the affairs of the Hillcrest-Washington Children's Home in a completely non-denominational manner and totally without regard to any religious affiliation or funding which the Bidder might have.

5. The Bidder must demonstrate that it has in force or can obtain insurance coverage which insures Vanderburgh County and its employees for liability resulting from negligent, tortious or intentional conduct by the Bidder's employees or agents in the performance of its contractual duties.

6. Any contract entered will be subject to annual funding by the County Council of Vanderburgh County.

DATED this 30th day of March 1987.

COUNTY COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA

Richard J. Borries, President
Robert L. Willner, Vice President
Shirley Jean Cox, Member

ATTEST: Sam Humphrey, Auditor
Vanderburgh County



STATE OF INDIANA

ROBERT D. ORR - Governor

DEPARTMENT OF PUBLIC WELFARE

CHILD WELFARE/SOCIAL SERVICES DIVISION

141 South Meridian St. - 6th Floor
Indianapolis, 46225

DONALD L. BLINZINGER
Administrator

March 26, 1987

Ms. Connie Davis
Interim Superintendent
Hillcrest-Washington Home
2700 W. Indiana, P.O. Box 6347
Evansville, IN 47712

Dear Ms. Davis:

Enclosed is the child caring institution license for Hillcrest-Washington Home. Please note that it is a provisional license to expire May 1, 1987. Approval has been received from the State Board of Health, which means you are in full compliance on health issues.

This provisional license reflects the temporary nature of the Superintendent's position. We cannot more strongly emphasize the need for a qualified Superintendent and qualified staff at the Home. Please keep the Residential Licensing Unit apprised of the status of the Home's management.

Thank you for your attention to this matter.

Sincerely,

Susan J. Stanis, Director
Child Welfare/Social Services
Division

CG:fr

cc: Richard Borries, President
Vanderburgh County Commissioner

AN EQUAL OPPORTUNITY EMPLOYER

State of Indiana

Department of Public Welfare

PROVISIONAL LICENSE No. CI-1-066-87-P

This is to Certify That Hillcrest-Washington Children's Home
is granted this provisional license to conduct a child caring institution known as HILLCREST-WASHINGTON HOME
in the premises located at 2700 West Indiana Street
Evansville, County of Vanderburgh, Indiana
in accordance with Indiana law, IC 12-3-2.

The number of children permitted to be cared for at any one time in these premises shall not
exceed ninety-six (96) boys and girls (ages six (6) through eighteen (18) years.)

This Provisional License shall be in force until May 1, 1987, subject to revo-
cation at any time by the State Department of Public Welfare for failure to comply with the laws
of the State of Indiana or the rules and regulations of the State Department of Public Welfare.

In Witness Whereof, we have hereunto set our hands and seal this first
day of April 1987.

[Seal]

By Donald L. Rhininger
Administrator

By Susan J. Stonis
Director, Division of Child Welfare—Social Services

NOTE: THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES.

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 6, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 6, 1987 in the Commissioners Hearing Room, with President Rick Borries presiding.

Since it was the first meeting of the month, the meeting was opened by Sheriff Shepard, who declared the Commissioners in session pursuant to adjournment.

President Borries entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Willner that the minutes of the meeting held on Monday, March 30, 1987 be approved, as engrossed by the County Auditor, and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: SALE OF SURPLUS PROPERTY

President Borries said Item #3 on the agenda concerns the sale of County-owned Surplus Property located at 30-32 Jefferson Avenue. Sale of said property was advertised March 9, 16, 23 and 30, with sale scheduled for April 6th. Sale is to be for cash and sold to highest bidder of said property, and without warranty, express or implied. Vanderburgh County reserves the right to reject any or all bids. Tax Code is 11-11-22-16-17. Legal description is as follows:

Lots Thirty-three (33) and Thirty-four (34) in Block Two (2) in Goodsells Enlargement of the City of Evansville, as per plat thereof, recorded in Deed Record E, pages 14 and 15 and transcribed of record in Plat Book A, pages 152 and 153 in the office of the Recorder of Vanderburgh County, Indiana.

The Chair then asked if there are persons in the audience who wish to bid on this property?

Mr. George Kirkwood identified himself and said he resides at 1021 W. Columbia. He bid \$300.00.

The Chair asked if there are others who wish to bid on the property? There were no further bids.

Mrs. Cox asked if the Board has an appraisal? It was determined that an appraisal had not been received.

The Chair then entertained further bids. There being none, a motion was entertained.

Motion was made by Commissioner Willner that the bid of \$300.00 from Mr. George Kirkwood be accepted for the property in Goodsells Enlargement(Lots 33 and 34), Tax Code 11-11-22-16-17, at 30-32 Jefferson Avenue, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, yes; Commissioner Willner, yes; Commissioner Borris, yes. The Chair declared the motion approved. Mr. Kirkwood is to pay cash to the County Auditor for purchase of said property and a Deed will be issued in his name.

RE: QUIT CLAIM DEED

President Willner said the Commissioners also need to sign a Quit Claim Deed for property at 809 Line Street.

Motion to sign the deed was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: SHERIFF'S DEPARTMENT - LEASE OF VEHICLES

Sheriff Shepard said that as the Commission is aware, the Commissioners have to sign all contracts for the Sheriff's Department. By law, he is not allowed to enter into a contract agreement with a private company. The lease for lease vehicles is up at the end of March. They had ten (10) vehicles leased. He went before the County Council last month and they were kind enough to allow his department to replace three (3) of the vehicles with new marked units (which they're leasing from Cooke Chevrolet). They also are going to allow him to purchase three (3) of their leased vehicles. They had ten (10) leased altogether. What he needs to do for the next two or three years is to lease four (4) vehicles. He met with Tom Dorsey and found out that because it is less than \$25,000 we don't have to take bids. What he has done is ask Cooke Chevrolet, D Patrick Ford and Kenny Kent to offer us a lease deal. Motor Officer Moser has put this together and done a splendid job. They have received bids from Cooke Chevrolet and D Patrick, but will not have bid from Kenny Kent until tomorrow.

Mrs. Cox asked when the lease is up?

Sheriff Shepard said it was up March 31st. What we're going to have to do until the new cars come in -- Cooke Chevrolet will let us pay a month at a time, because we are expired right now as of March 31st.

Mrs. Cox asked, "The lease will give you four new cars rather than just continuing...."

The lease will give us four new cars. Instead of ten cars, we only need four cars -- and we don't have to take bids because it is less than \$25,000. At this time we have prices from Cooke Chevrolet and D. Patrick Ford and we're awaiting prices from Kenny Kent.

President Borries asked that the two bids be submitted and the Board will make a decision next week.

Commissioner Willner asked that the two bid prices received to date not be made public at this time. The Board concurred that the record reflect that the two bids were acknowledged at this time but the bid amount not disclosed. After the bid from Kenny Kent is received and the Sheriff has had an opportunity to review all bids and make a recommendation, the Board will make a decision next week.

Sheriff Shepard respectfully requested that the matter be placed on next week's agenda.

Commissioner Cox queried the Sheriff concerning the term of the lease?

Sheriff Shepard said the lease would be for 36 months. We could stick with Cooke Chevrolet, but they are going to charge the same price for two year old cars as we can get less for one year old cars. They wouldn't give us a break. They said they had to maintain that level of cost. So we're getting bids on three new cars at current cost or less. He will make his recommendation next week.

RE: REQUEST TO UTILIZE AUDITORIUM GROUNDS FOR ROAD RACE
PROGRAM - ROB MATTHEWS

Mr. Rob Matthews said he is here representing the U. S. Marine Corps and the Y.M.C.A. What they have done is to combine a couple of 10 Kilometer Road Races that have occurred in the past in Evansville -- they have combined the University of Southern Indiana and Marine Corps races (which is part of the Freedom Festival) into one 10 kilometer race sponsored by the Y.M.C.A. The race will be held on Saturday, June 27th in downtown Evansville. It is being marketed very differently than any other race in the community. They are hoping to involve in excess of 5,000 participants in the race. They are in the markets of Indianapolis, Louisville, and Nashville. The race will start at the Civic Center and run down 7th Street to about Cherry, down Cherry to Southlane, down Southlane to Kentucky, and up Kentucky to Washington Avenue, down Washington to 8th Street and back to 7th Street. With the 5,000 plus participants they hope to draw,, they need some means by which they can disperse them. Thus, they would like to bring them around through the back of the building here and disperse them in the area between the building complex here and the Auditorium. They would be utilizing the grounds. With 5,000 participants, they think there would be a lot of spouses and children, as well as a lot of spectators. Thus they need a fair amount of room. They'd like to use the land around the Convention Center. They are utilizing the facility the night before -- using the Gold Room and most of the Auditorium for a spaghetti dinner -- so they are trying to keep everything in the same place. They will be providing insurance. The Marine Corps will be providing a \$1 million liability policy; the Y.M.C.A. will be doing the same, and the Freedom Festival will be doing the same -- listing the County as the insured. The whole purpose of the race is to provide new revenue for the Y.M.C.A., 100 scholarships to Camp Carson and some new programs for the "Y" in terms of drug and alcohol abuse that face children -- and that is the whole purpose.

Commissioner Cox asked, "When you talk of utilizing the grounds, you mean just as a collecting place?"

Mr. Matthews said, "Just a place where people can sit down; we hope to have some entertainment there; and it will be a pick-up point for people to pick up their "T" Shirts after the race, etc. Probably along with the entertainment there will be some vendors. We are not certain right now -- but it would be from 8:00 a.m. to 10:00 to 10:30 p.m."

Mrs. Cox asked, "Do you need the Parking Lot, too?"

Mr. Matthews said that with that many people, he would tend to think they do -- because the same day there is a Chili-Cookoff, the arts on the walkway, the time trials --- and this is one of the reasons they planned the race for this particular day. There will already be a large number of people downtown anyway.

Mrs. Cox asked, "And their liability insurance would cover any damage to the grass, etc.?"

Mr. Matthews said, "We would cover that, yes -- and we would be providing the Certificates of Insurance.."

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

Commissioner Borries said this sounds like a nice event.

RE: VANDEBURGH AUDITORIUM

President Borries said Kim Bitz, Manager/Vanderburgh Auditorium. is not present. He does,, however, have a letter from Mr. Bitz which he will read into the record at this time.

April 6, 1987

To: Vanderburgh County Commissioners

Dear Commissioners:

I would like to take this opportunity to set the record straight on the Walnut Lobby doors being chained for the Thursday afternoon performance of Sesame Street.

At approximately 12:30 p.m., I unlocked the chains on the doors of the Walnut Lobby, but did not take them off the door. A mistake on my part, no one else's. The average number of patrons who used the Walnut Lobby the prior day was 8. The promoter made the decision not to take tickets through this lobby because of staffing required for so few patrons. In such cases, the chains are removed, leaving the turnbolts as a means of keeping people from entering that way. With the turnbolts, emergency exit is possible by simply turning a knob. Not removing the unlocked chains was unexcusable and every precaution will be made not to allow it to happen again. To the best of my knowledge, this is only the second time in four years that this situation has occurred. That is two times too many, but not being perfect, we do make mistakes.

Now, as to the news report concerning the matter. After interviewing my employees separately, I did discover that the Walnut Lobby doors were not chained at the conclusion of the afternoon performance. This was prior to the call I received from the Fire Marshall. Also, contrary to what was reported, not one Vanderburgh employee was made aware of the situation -- nor were the ushers -- nor did the ticket office tell anyone that there was "no one around to take care of the chains on the doors". As a matter of record, there were four employees in the building from 8:00 a.m. 'till 9:00 p.m. at all times. From 2:30 p.m. until 9:00 p.m., there were two of those employees permanently stationed in the downstairs Locust Lobby and two "floating" to take care of the event. All these employees were easily identified by their uniforms. There was also someone in the main office area the entire day and evening.

I hope this letter provides the information you need to answer questions concerning this matter. I am also sorry if this mistake has caused the County any embarrassment.

Sincerely,

Kim Patrick Bitz
Manager

Commissioner Willner raised questions concerning the problem. Did someone slip in without paying?

Mr. Lindenschmidt said the problem was with the "Exit" only -- people could not get out because of the padlocks on the doors. In case of an emergency, they would have been trapped inside. The padlocks were unlocked, but they were hanging on the chains -- and it gave the appearance the doors were locked when they were not. The chains should have been removed, but they weren't.

RE: COUNTY ATTORNEY - CURT JOHN

Attorney Curt John said he had nothing to report at this time. However, if the Commissioners have questions,, he'd be glad to answer them.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for employees at the County Garage for period March 30 thru April 3, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Old Princeton Rd., Ridgewood Drive and Darmstadt Rd.

Grader: County Line East, Folz Rd., Hillside Rd., Bottoms, Armstrong and Harmony Way

Trash Crew: River Rd., Lynn Rd., S. Weinbach, Bayou Creek, Millersburg Rd., Burkhardt Rd., Green River Rd., and Heckel Rd.

Tree Crew: Graff Rd.

Patch Crew: Green River Rd., Culvert cuts, Darmstadt Rd., Orchard Rd., Old State Rd., Edgewater Rd., Harmony - Way, Pine Tree, and Rose Avenue.

Back-Hoe: Harmony Way (widened 2 ft.)

Worked on snow removal Monday night and Tuesday.

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed:

- Replaced 36" culvert on Ridgeview Dr., also rip-rapped.
- Cleaned out log jam on Pigeon Creek.
- Replaced guard rail and rip-rapped at Green River Rd. and Hirsch Rd.
- Cleaned yard at garage.
- Repaired guard rail at Golden Rule Rd. and King Rd. Bridge.
- Worked on Blue Grass Creek log jam.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for the County Highway Garage and the Bridge Crew.....reports received and filed.

County Road Paving Program: Commissioner Cox asked Mr. Bethel whether he has the amount that he is going to request from County Council for the County Road Paving Program?

Mr. Bethel responded that he does not.

Mrs. Cox asked if he has the list of County Roads to be paved?

Mr. Bethel said he has the list in his car; he will have copies run off and bring copies to the Commissioners tomorrow.

RE: COUNTY ENGINEER -- ANDY EASLEY

Claim/United Consulting Engineers: Mr. Easley presented a claim in the amount of \$2,065.70 for Environmental Statement Location Study Work on Eickhoff Rd. It is his recommendation that the claim be paid. Motion to approve payment of claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Clover Drive Projects: Mr. Easley reported that the culvert installation on Clover Drive is nearing completion. Johnny Mann said it will probably be open tomorrow or the next day. (This is just south of Bergdolt Rd.)

In response to query from Commissioner Willner, Mr. Easley said they are replacing the culvert and they are also dredging out the legal drain. They have to put the rip-rap in yet on the bank just south of the culvert. In response to query from Commissioner Borries, Mr. Easley said there is a split in the project cost. The legal drain account will pay for the ditch dredging and the culvert installation is to be paid from the bridge fund.

Commissioner Borries asked if the Work Release people had anything at all to do with this project?

Mr. Easley responded in the negative.

Commissioner Borries said an individual who lives near Bergdolt and Clover Drive called him concerning some patchwork that had been done there.

Mr. Bethel explained that the Work Release people put in a culvert around on Clover Drive --

Mr. Easley said this was the first culvert -- and we obtained permission from SIGECO to clean out just downstream of that culvert a bit to improve the flow -- because it is elliptical pipe and the ditch had silted in quite a bit -- in order to make it function properly.

Gene Adler: Commissioner Borries said that, for the record, Gene Adler had called and said to disregard Mr. Shively's letter. He has not had an opportunity to talk with Mr. Shively and they had wanted to communicate with the Commissioners by April if we had not been able to get with him regarding that project. But Mr. Shively had been out of town -- and he asked that his letter be disregarded.

Mr. Easley said as the Commissioners know, he has authorized the concrete slope paving to go in -- (the Commissioners were given a copy of that letter). He hopes to get that work performed within the next couple of weeks, weather permitting.

Pigeon Creek Log Jam: Mrs. Cox said she talked with a lady concerning the log jam on Pigeon Creek. She thinks we paid Mr. Stahl to remove the logs from the Creek and place them onto the bank. She hasn't had a chance to get out there to look -- but this has not all been hauled away.

Mr. Easley said, "Quentin Stahl removed the logs and put them on the bank. Work Release worked all last fall. He has another proposal (at his request) from Quentin Stahl. What is left has a lot of dirt in it. He wants to see if Mr. Stahl can rework the pile -- and we did get permission to burn the leftover debris. He thinks it is time that we consider authorizing Quentin to see if he can use his creek clean-up talents to get rid of that debris. There is still a lot of material there.

Mrs. Cox said that the individual who contacted her is afraid that when the spring floods begin that it will all be right back down in the creek.

Mr. Easley said he doesn't think that will happen.

Mrs. Cox said, "Well, Andy, she lives out there and I have to take her word."

Mr. Easley said, "We are still working on that."

RE: ORDINANCE CONCERNING ESTABLISHMENT OF COUNTY CORRECTION FUND

President Borries presented the following Ordinance for execution by the Commissioners.

Mrs. Cox interjected that this is similar to the Wheel Tax. It is an Ordinance, but you have to come back and re-do the Ordinance annually. This is the same contract as last time; the only changes would be the date and the Attorney's name.

Commissioner Borries said the law says that the County Legislative Body may adopt an Ordinance before May 1st each year to elect to receive deposits, etc.

Motion to approve and sign the Ordinance was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. (Copy of Ordinance is attached hereto.)

RE: BURDETTE PARK - FINANCIAL REPORT

President Borries presented the following Financial Report from Burdette Park for Month ending 3/31/87:

1987 STARTING BUDGET

1987 Budgeted	\$456,318.00
1986 Encumbered by Contract	66,368.84
1987 Additional Appropriation	14,000.00
Total 1987 Budget	\$536,686.84

Expenditures & Balance 1/1/87 to 3/31/87

Total Expenditures	\$133,264.90
Total Balance	\$403,421.94

Income 1/1/87 to 3/31/87

Pool	\$ 0
Rink	\$ 9,988.94
Rentals	\$ 16,097.00
Misc.	\$ 1,141.55
Total	\$ 27,227.49

3/31/87

Total Expenditures	\$133,264.90
Total Income	- 27,227.49
Deficit Sub-Total	\$106,037.41
Less Capital Improvements	- 35,054.19
Total Deficit	\$ 70,983.22

RE: BUILDING COMMISSION - ROGER LEHMAN

Request for House Move: Mr. Roger Lehman entered the meeting and asked if the could discuss two (2) house moves. He said he has one change in a house move; a house was going from 1935 Chickasaw to 1750 Dexter. It is now going to 1620 Stevens. He does not foresee any problems and they have no problems with Buchta. Therefore, it is the recommendation of the Building Commission that the request for this move be approved.

Commissioner Borries said this is out in the I-164 area.

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

Continuing, Mr. Lehman said he also has a log cabin coming from Posey County to 4100 Bayou Creek Rd. They will not be traveling through town. They will just be going out Old Mt. Vernon,, Broadway, to Bayou Creek. The Building Commission will need to perform an inspection to be certain it meets the residential building code. Any moved building is required to meet the new code. They will check this, but they would recommend approval. It is coming from 8620 County Rd. 1200 in Posey County to 4100 Bayou Creek Rd. in Vanderburgh County.

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

RE: OLD BUSINESS

The Chair entertained matters of Old Business.

Old Petersburg Place II Street Plans: Commissioner Cox said she has a note that the Board was to approve Old Petersburg Place II street plans. She guesses maybe Mr. Easley did not have a chance to get out there to check the streets.

Re-naming of Old Highway 57: Commissioner Willner said that Rudd Construction Equipment on what was formerly Old Highway 57 keeps thinking they do not have an address. In checking with the Area Plan Commission and everyone he can talk to, the address was previously Old Petersburg Rd. as well as Highway 57. Just for the record, he would move that the short stretch from Highway 41 to the deadend before the Airport property be called Old Petersburg Rd. A second to the motion was provided by Commissioner Cox. So ordered.

RE: APPOINTMENT TO LIBRARY BOARD: Commissioner Cox said President Borries advised her that the Commission's appointment to the Evansville-Vanderburgh Library Board (Ruby Strickland) has indicated that her health is to the point where she is unable to continue to serve as an appointee to said Board, and has resigned. Mrs. Cox said she would nominate Samuel G. Clifford, Jr. of 7310 E. Walnut Street, Evansville, IN to fill that position. He brings a lot of community service and professional background and educational background to the Board, plus the fact that his mother was one of the original activists in our library in Vanderburgh County. She thinks he will be an excellent Board Member and an excellent appointment by this Commission. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Borries said a letter of notification re the appointment will be sent to Mr. Clifford.

Secondly, President Borries said he would ask the Board's permission to send a letter of gratitude to Ruby Strickland for her many years of public service to this County. The Board concurred that this letter should be sent.

Letter to Bobby Knight: Commissioner Cox asked if the Board should not also send a Letter of Congratulations to Bobby Knight? The Board concurred that this is a good idea. We are all proud of the I.U. Team and this was a great honor.

RE: TALL TIMBERS

Commissioner Cox asked if there is an update on the Tall Timbers situation?

Commissioner Borries said he received a telephone call from Mr. Jarrett, indicating that he received the report. Mr. Jeffers' report points out numerous things. One of the things Commissioner Borries suggested that Mr. Jarrett will have to do -- at his expense -- is to hire a licensed engineer. Mr. Jeffers brings years of experience to the Surveyor's Office and he has pointed out some drainage situations. But Mr. Jarrett needs to hire a licensed engineer -- at his expense -- to make dialogue with Mr. Jeffers as well as his engineer and make the necessary modifications, so we can get past this square and get on with it. But in no case is the County obligated to do anything at this point. That was his suggestion, but he has not heard back from Mr. Jarrett in that regard at this point in time.

RE: SCHEDULED MEETINGS

Wed.	April 8	2:30 p.m.	County Council
Thurs.	April 9	7:00 p.m.	J. Angermeier re Reassessment, etc.
Thurs.	April 16	2:00 p.m.	County Council (Reassessment Budgts, & Other Business)

With regard to the April 9th meeting, President Borries said he has asked Attorney Miller to step in and enter into some dialogue. He hopes the other Commissioners share his belief that we want a smooth reassessment. If that reassessment could occur by everybody hitting on all cylinders (which means the Township Assessors as well as the County Assessor) it would certainly be of benefit to this county. Hopefully, the attorneys will also communicate their concerns and this matter can be resolved by June 30th as this reassessment gets going. But it is going to be awfully, awfully important at this time for everyone to work together.

President Borries said the Commissioners should also remind Attorney Miller of the April 16th meeting, so he can review pertinent laws, etc., and lend his expertise at the meeting. But there are points and sub-points of the duties of the County Assessor and the Township Assessors. The Commissioners' concern is that this needs to be done as smoothly as possible, with everyone working together. That is their hope and he trusts we can proceed in that manner. He will let Attorney Miller know of this meeting.

County Auditor Sam Humphrey noted that Jim Angermeier has a meeting scheduled with the Township Assessors on April 9th. If Attorney Miller could be present, it might be helpful.

Commissioner Borries said he wasn't aware of this meeting -- who is going to attend?

Mr. Humphrey reiterated that Mr. Angermeier and the Township Assessors will be in attendance.

Mrs. Cox queried Mr. Borries concerning Council's April 8th meeting?

Commissioner Borries said that they did not meet on April 1st -- so this is their regular scheduled meeting.

RE: CLAIMS

It was noted by President Borries that there are no further claims to be considered.

RE: EMPLOYMENT CHANGES

Sheriff's Department (Releases)

James B. Truitt	Patrolman	\$20,247/Yr.	Eff: 4/3/87
James R. Hayes	Process Server	\$5,968/Yr.	Eff: 3/27/87
Deborah A. Titzer	Civil. Jailer	\$15,065/Yr.	Eff: 4/2/87
Kenneth Roy, Jr.	Civil. Jailer	\$15,065/Yr.	Eff: 4/3/87

Sheriff's Department (Appointments)

Kenneth Roy, Jr.	Prob. Patrolman	\$19,247/Yr.	Eff: 4/6/87
Glamer M. Taylor	Civil. Jailer	\$25,065/Yr.	Eff: 4/6/87
David E. Roy	Civil. Jailer	\$15,065/Yr.	Eff: 4/6/87

Burdette Park (Appointments)

Roger Willis II	P.T.G.C.	\$4,00/Hr.	Eff: 3/30/87
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Treasurer's Office (Appointments)

Julie A. Reis	Clerk	\$35.00/Day	Eff: 3/31/87
Ruth Lawrence	Clerk	\$35.00/Day	Eff: 3/31/87
Diana Lindauer	Clerk	\$35.00/Day	Eff: 3/31/87
Linda Denstorff	Clerk	\$35.00/Day	Eff: 3/31/87

Circuit Court (Releases)

Robert Jeff Dodson	Law Clerk	\$548.00/Pay	Eff: 3/27/87
Robt. L. Saunders, Jr. P.T.B.B.		\$5.00/Hr.	Eff: 3/9/87

German Township Assessor (Appointments)

Mark Helsloot	Fieldman	\$35.00/Day	Eff: 3/24/87
Bob Dezember	Fieldman	\$35.00/Day	Eff: 3/24/87

Election Office (Appointments)

Mary Lee Bassemier	Dep. Clerk	\$4.85/Hr.	Eff: 3/30/87
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There being no further business to come before the Board at this time President Borries declared the meeting adjourned at 3:25 p.m.

PRESENT: COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

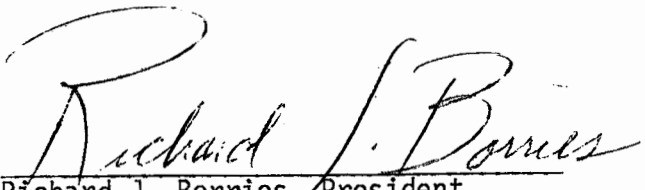
R. J. Borries	Sam Humphrey	Curt John
R. L. Willner		
S. J. Cox		

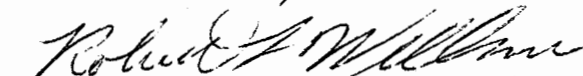
<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>SHERIFF</u>
Bill Bethel	Andy Easley	C. Shepard

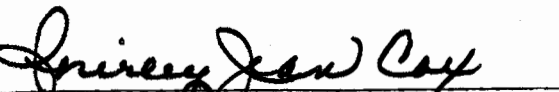
OTHERS

Rob Matthews
George Kirkwood (Bidder)
Bill Hamilton
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

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 programs 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 6 day of April, 1987, and upon that day signed and executed by the members of the Board as appears by their respective signatures and attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Richard J. Barnes
Richard J. Barnes, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

Sam Humphrey
Sam Humphrey, Auditor
Vanderburgh County

APPROVED AS TO LEGAL FORM.

Curt John,
County Attorney

Two copies of the foregoing Ordinance filed this _____ day of _____, 1987 at _____ (time), and one copy has been forwarded to the Commissioner of Correction, all in accordance with I.C. 11-12-6-9 (2), (b).

INDIANA SECRETARY OF STATE

By _____

2345G-41886

Page 3 of 3

1987 ROAD PAVEMENT OVERLAY PROGRAM FOR VANDERBURGH COUNTY HIGHWAY DEPARTMENT

PREPARED BY:

ANDY EASLEY
County Highway Engineer
Evansville, Indiana

BILL BETHEL
County Highway Superintendent
Evansville, Indiana

PROJECT : MINOR ROADS TO BE PAVED BY COUNTY HIGHWAY FORCES
DATE: MAY 4, 1987

*Material: Hot Mix Asphaltic Concrete

PROJECT	NAME OF ROAD:	FROM:	TO:	LENGTH (MILES)	OVERLAY WIDTH (FT)	OVERLAY THICKNESS (IN)	MATERIAL PER MILE (TONS)	TOTAL MATERIAL (TONS)	ESTIMATED COST
1	Heinlein Road	Baumgart Road	Petersburg Road	.6	18.0	1.0	581.00	370.00	9,250.00
3	Radio Avenue	Highway 41	East to Dead End	0.3	16.0	2.0	1033.00	330.00	8,250.00
4	Ridgeview Drive	Woodland Lane	Circling Woodland La	0.3	22.0	1.5	1065.00	340.00	8,500.00
5	Woodland Lane	Ridgeview Drive	South to End	0.3	22.0	1.5	1065.00	340.00	8,500.00
6	Telephone Road	Old Boonville Hwy	Warrick County Line	0.7	19.0	2.0 (85)	1226.00	910.00	22,750.00
7	Wedeking Avenue	Burkhardt Road	West to End	0.2	20.0	2.0	1291.00	280.00	7,000.00
8	Miller Road	Hogue Road	South to End	0.6	14.0	2.0	904.00	580.00	14,500.00
10	Park Road	Campbell Road	Hillsdale Road	0.4	14.0	2.0	904.00	390.00	9,750.00
11	Campbell Road	Old State Road	East to End	0.6	17.0	1.5	823.00	520.00	13,000.00
12	Walnut Road	Campbell Road	Hillsdale Road	0.5	17.0	1.0	550.00	290.00	7,250.00
13	Lost Bend Lane	Olwstead	North to End	0.2	15.0	2.5	1210.00	260.00	6,500.00
14	Orchard Road	Highway 65	Barnstadt Road	4.8	19.0	1.5	920.00	4640.00	116,000.00
15	Buente Road	Martin Station Road	Boonville-N. H. Road	1.6	18.0	2.5	1452.00	2450.00	61,250.00
16	Nisbet Station	Highway 65	Owensville Road	3.0	18.0	2.0	1162.00	3500.00	87,500.00
17	Evergreen Road	Old State Road	Barnstadt Road	0.9	20.0	2.0	1291.00	1230.00	30,750.00

18	Hoffet Lane	Kansas Road	South to End	0.2	12.0	3.0	1161.00	250.00	6,250.00
19	Cherry Lane	Whetstone Road	West to End	0.2	18.0	1.5	871.00	190.00	4,750.00
20	Autumn Lane	Peerless Road	East to End	0.1	18.0	3.0	1742.00	180.00	4,500.00
21	Cliffwood Drive	Felstead Road	East to End	0.2	18.0	1.5	871.00	180.00	4,500.00
22	Bridgeview Drive	Felstead Road	East to End	0.1	18.0	1.5	871.00	90.00	2,250.00
23	Marlene Drive	Hogue Road	North to End	0.3	20.0	1.5	962.00	290.00	7,250.00
24	Fisher Road	Boonville-M.H. Road	North to End	0.3	14.0	2.0	903.00	290.00	7,250.00
25	Heather Court	Pine Place	South to End	0.5	24.0	1.5	1162.00	610.00	15,250.00
26	Rose Avenue	Harmony Way	West to End	0.1	19.0	1.5	920.00	100.00	2,500.00
27	Middle Mount Vernon Highway 62		North to Peerless	0.2	18.0	1.5	871.00	190.00	4,750.00
28	Marigold Court	Westmore Road	East to End	0.1	14.0	1.5	678.00	80.00	2,000.00
29	Raintree	Westmore Road	West to End	0.1	12.0	1.5	581.00	70.00	1,750.00
30	Vanness	Houge Road	Upper Mount Vernon	0.2	19.0	1.5	920.00	200.00	5,000.00
31	West Terrace Drive	Eichoff	East to End	0.2	18.0	1.5	871.00	190.00	4,750.00
32	Ashwood	Clover Drive	Ridgewood	0.1	22.0	1.5	1065.00	120.00	3,000.00
33	Ridgewood	Clover Drive	Ashwood	0.1	22.0	1.5	1065.00	120.00	3,000.00
TOTAL MINOR ROADS TO BE PAVED BY COUNTY FORCES				18.0					\$489,500.00

I affirm under the penalties of perjury that the foregoing representations are true.

Verification

Dennis A. Vowels
Dennis A. Vowels

PROJECT: MINOR ROADS TO BE PAVED BY CONTRACT
DATE: MAY 4, 1987

*Material: Hot Mix Asphaltic Concrete

PREPARED BY:
ANDY EASLEY
County Highway Engineer
Evansville, Indiana

BILL BETHEL
County Highway Superintendent
Evansville, Indiana

PROJECT	NAME OF ROAD:	FROM:	TO:	LENGTH (MILES)	OVERLAY WIDTH (FT)	OVERLAY THICKNESS (IN)	MATERIAL PER MILE (TONS)	TOTAL MATERIAL (TON)	ESTIMATED COST
1	Agathon Drive	University Heights Sub		0.4	22.0	1.5	1065.00	450.00	14,400.00
2	Diefenbach Road	Koring Road	Upper Mt Vernon Road	1.0	19.0	1.5	920.00	970.00	31,040.00
3	Mels Drive	Middle Mt Vernon Road	North to End	0.5	22.0	1.5	1065.00	560.00	17,920.00
4	Boehne Camp Road	Highway 62	South	0.4	18.0	1.5	871.00	370.00	11,840.00
5	Five Dollar Road	Upper Mt Vernon Road	Goebel Road	0.6	18.0	1.5	871.00	550.00	17,600.00
6	Schissler Road	Schauck Road	West Franklin Road	0.7	12.0	2.5	968.00	720.00	23,040.00
7	Williams Road	Middle Mt Vernon Road	Hogue Road	0.4	16.0	1.5	774.00	330.00	10,560.00
8	Goebel Road	Five Dollar Road	County Line Road	0.8	18.0	1.5	871.00	740.00	23,680.00
9	Clover Drive	Ridgewood	Oak Hill Road	0.4	22.0	1.5	1065.00	450.00	14,400.00
TOTAL MINOR ROADS TO BE PAVED BY CONTRACT				5.2					\$164,480.00

PROJECT : MAJOR ROADS TO BE PAVED BY CONTRACT
DATE: MAY 4, 1987

*Material: Hot Mix Asphaltic Concrete

PREPARED BY: [REDACTED]
ANDY EASLEY
County Highway Engineer
Evansville, Indiana

BILL BETHEL
County Highway Superintendent
Evansville, Indiana

PROJECT	NAME OF ROAD:	FROM:	TO:	LENGTH (MILES)	OVERLAY WIDTH (FT)	OVERLAY THICKNESS (IN)	MATERIAL PER MILE (TONS)	TOTAL MATERIAL (TON)	ESTIMATED COST
1	Old State Road	Camp Ground Road	Baseline Road	3.3	19.0	1.5	920.00	3190.00	102,080.00
	" " "	" " "	" " "	3.2	22.0	1.5	1065.00	3580.00	114,560.00
2	Old Princeton Road	Darmstadt Road	County Line Road	3.4	20.0	2.0	1291.00	4610.00	147,520.00
3	Darmstadt Road	EVV City Limits	Old Princeton Road	0.4	18.5	1.5	896.00	380.00	12,160.00
4	Old Boonville Hwy	Green River Road	Burkhardt Road	0.95	24.0	1.25	968.00	960.00	30,720.00
5	Upper Mt Vernon Rd	City Limits	County Line Road	4.75	20.0	1.5	968.00	4830.00	154,560.00
6	Green River Road	Highway 57	Petersburg Road	0.9	20.0	1.5	968.00	920.00	29,440.00
7	Marx Road	Old Highway 460	Posey County Line	2.4	19.0	1.5	920.00	2320.00	74,240.00
8	Denzer Road	Old Highway 460	Posey County Line	1.2	18.0	2.0	1162.00	1470.00	47,040.00
9	Baehl	Highway 65	Nisbet Station Road	1.4	17.0	3.0	1646.00	2420.00	77,440.00
10	Mount Pleasant Road	Old State Road	Baumgart Road	1.5	15.0	1.5	726.00	1150.00	36,800.00
TOTAL MAJOR ROADS TO BE PAVED BY CONTRACT				23.4					\$826,560.00

BASE REPAIR, MAJOR PATCHING, CRACK SEALING, FOR SEAL, SLURRY SEAL AND

CONTINGENCY FUNDS FOR ROAD PAVEMENT OVERLAY PROGRAM.

TOTAL OF ROADS TO BE PAVED BY CONTRACT IN 1987

18.0

TOTAL OF ROADS TO BE PAVED BY COUNTY HIGHWAY FORCES IN 1987

28.6

TOTAL OF ADDITIONAL ROADS AND STREETS TO BE PAVED IN 1987

46.6

ALLOWANCE \$17,980.00
ESTIMATED COST 653,980.00
ESTIMATED COST 826,560.00

\$1,498,520.00

APC
AREA PLAN COMMISSION
EVANSVILLE - VANDERBURGH COUNTY
Room 312 Civic Center Complex
Evansville, Indiana 47708
Phone (812) 426-5226

May 8, 1987

Vanderburgh County Commissioners
Room 305, Civic Center Complex
Evansville, Indiana 47708

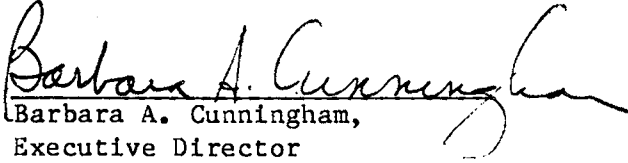
Mr. Richard Borries
Mr. Robert Willner
Ms. Shirley Jean Cox

RE: BOARD OF ZONING APPEALS
VS
MARION BIGGERSTAFF
CAUSE NO: 84-CIV-397

Enclosed, please find a copy of the Information For Contempt and Order To Appear in the above referenced cause.

Should you have any questions, please call me.

Sincerely,


Barbara A. Cunningham,
Executive Director

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH)

SS:

IN THE VANDERBURGH SUPERIOR COURT
1987 TERM

BOARD OF ZONING APPEALS OF THE)
AREA PLAN COMMISSION OF)
EVANSVILLE AND VANDERBURGH COUNTY)

Plaintiff,

v.

MARION BIGGERSTAFF)
Defendant.)

CAUSE NO. 84-CIV-397

ORDER TO APPEAR

Comes now Dennis A. Vowels, the attorney for Plaintiff in the above-entitled cause, having filed his verified information showing that the Defendant has failed to comply with the Order of this Court duly made in this cause on April 6, 1987, a copy of which is attached hereto.

And the Court having examined said information and being duly advised in the premises finds that said information should be sustained and that said Defendant be ruled to show cause why he has not complied with said order of this Court.

IT IS, THEREFORE, ORDERED BY THE COURT that the Defendant, Marion Biggerstaff, be and appear before this Court on the 26th day of May, 1987, at 9:00 o'clock a.m. to show cause, if any he has, why he has not complied with said order of the Court and why he should not be attached and punished for Contempt of Court.

The Clerk will issue copies of this Order to the Sheriff, who will make service upon the Defendant, and make due return thereon.

Dennis A. Vowels

Judge, Vanderburgh Superior Court

SERVE:

Marion F. Biggerstaff
111 W. Maryland Street
Evansville, IN 47712

VANDERBURGH SUPERIOR COURT
FILED

MAY 8 1987

Sharon A. K...
CLERK

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH)

SS:

IN THE VANDERBURGH SUPERIOR COURT
1987 TERM

BOARD OF ZONING APPEALS OF THE)
AREA PLAN COMMISSION OF)
EVANSVILLE AND VANDERBURGH COUNTY)

Plaintiff,)

v.)

MARION BIGGERSTAFF)
Defendant.)

CAUSE NO. 84-CIV-397

Verified Information for Contempt

Comes now the Plaintiff, Board of Zoning Appeals of the Area Plan Commission of Evansville and Vanderburgh County Indiana, by counsel, Dennis A. Vowels, and being first duly sworn upon his oath, says:

1. That he is an adult and without legal disability.
2. That he is legal counsel for the plaintiff herein.
3. That on April 6, 1987, this Court ordered the defendant enjoined from dumping or storing debris, scrap metal, scrap material, junked, non-operational or non-licensed vehicles on the property described in the order dated April 6, 1987.
4. That as of the date of the filing of this information the Defendant has failed to comply with the order of this Court dated April 6, 1987.

WHEREAS, Plaintiff requests the Court to order the Defendant to appear before this Court to show cause why he should not be held in Contempt of this Court for failing to comply with this Court's Order dated April 6, 1987.

Dennis A. Vowels
Dennis A. Vowels
Attorney for Plaintiff
112 N. W. 7th Street
Evansville, IN 47708
(812) 422-6777

Verification

I affirm under the penalties of perjury that the foregoing representations are true.

Dennis A. Vowels
Dennis A. Vowels

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 13, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday April 13, 1987, in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. He noted that the secretary has already made a correction on Page 9, with reference to salary for Glamer Taylor, Civilian Jailer in Sheriff's Department, which should read \$15,065/yr. rather than \$25,065.

Motion to approve minutes, as corrected and engrossed by the County Auditor, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Kathryn Mayes: The Chair recognized Susan Cox of the Albion Fellows-Bacon Center and the Legal Advotate for the Battered Women's Shelter and Katheryn Mayes, poor relief applicant.

Ms. Cox said Kathy Mayes has asked her to help her with her appeal.

On or about the 13th of February, Kathy was stabbed by George Compton, who is the other resident in the apartment in question. Since that time, Kathy has not lived at this residence and has been at either the Albion Fellows Bacon Center or the Y.W.C.A. She would like to return to that apartment and the locks need to be changed in order to assist them in the process of an order on which they are working to keep Mr. Compton out of that facility. Kathy does not have her children with her currently. They were removed by the Welfare Department at the time of the stabbing. If she can get back into the apartment and secure the apartment, they will be returned to her. Ms. Cox said they are prepared to take all the necessary legal steps to do that. Kathy needs a total of \$30.00 in order to have the locks changed. \$15.00 will appear on the rental bill from the Evansville Housing Authority and she needs \$15.00 in cash. It is their understanding that she was denied assistance in this amount by the Pigeon Township Trustee's Office, on the basis of the fact that George Compton is still living in said residence. Ms. Cox said they have filed a complaint against him for Class "D" Felony for battery and he was arraigned the other day and released on his own recognizance last Friday morning. They have also filed for a Protective Order and they have a Stay Away order issued by Judge Stevens this past Friday morning. Thus, they are in the process of trying to get him out -- but they need the money to get the locks changed to keep him out.

The Chair entertained questions.

Commissioner Cox queried Ms. Cox concerning the address to which Kathy wants to return?

Ms. Cox said it is at 1704 N. 5th Avenue.

Commissioner Borries said this might have been some of the confusion here -- and he is not sure that he wants to say anything regarding her address at this time. But he thinks that is part of the confusion.

Ms. Cox explained that Kathy is currently residing at the Albion Fellows Bacon Center, but she wants to return to the 1704 N. 5th Avenue address.

Commissioner Borries said the 1704 N. 5th Avenue address is not even on the appeal form.

Commissioner Cox asked, "So, you're not asking for the medical bills for injury received or anything, you are just asking for the locks?"

Ms. Cox confirmed that this is correct.

Mrs. Cox asked, "And the Housing Authority will not assume the cost of these on their own?"

Ms. Mayes said that Mrs. Jackson said if she could come up with \$15.00 that she would put \$15.00 on the book and she'd have to owe that -- but it is a total of \$30.00. But she'd put \$15.00 on the book to be paid, as long as Ms. Mayes could produce the \$15.00.

Commissioner Willner queried Ms. Mayes concerning the ages of her children?

Ms. Mayes said they are ages 7, 4, 3 and 2.

Commissioner Willner asked if Mr. Compton is the father of any of these children?

Ms. Mayes said he is the father of all of them.

Ms. Cox said he does not have visitation rights at this time.

Commissioner Willner remarked, "That does complicate things, doesn't it?"

Commissioner Borries asked, "I'm not clear here on the address. Is this 1704 N. 5th Avenue part of the Evansville Housing Authority streets?"

Ms. Cox said that is correct -- Fulton Square Apartments.

Commissioner Willner asked, "She lived in one apartment and he lived in another?"

Ms. Cox said they were living together. But they are in the process of trying to get him out of the apartment so that she and the children can return there safely. He has a key -- because he told the Housing Authority after she was gone that he needed a key.

Commissioner Willner asked, "What did the Judge say about this when he turned him loose? Did he go back to that same apartment?"

Ms. Cox responded, "Yes."

Commissioner Borries said, "That was going to be my next question. How do we resolve this? What are his rights at this point in terms of that address?"

Ms. Cox said it is her understanding that the Housing Authority said he can't stay there if she and the children are there.

Commissioner Borries asked, "Do we have that in writing?"

Ms. Cox said she does not at this point.

Attorney Miller asked, "He can stay there if she and the children are not there?"

Ms. Cox said that is her understanding.

Mary Hart, representative from the Pigeon Trustee's Office, approached the Commissioners' table and presented a letter from Mrs. Jackson of the Evansville Housing Authority (and confirmed again by telephone on April 2nd). She says Mr. Compton can stay there as long as the rent is paid. And it was paid by the Pigeon Trustee's Office.

Commissioner Borries read the following letter:

TO: PIGEON TOWNSHIP TRUSTEE'S OFFICE

FROM: HOUSING AUTHORITY

This is to verify that George Compton resides at 1704 N. 5th Avenue in the Fulton Square Housing development. His rent is \$60.00 per month and any assistance that you can give him will be greatly appreciated.

Attorney Miller interrupted, "I heard reference to a restraining order...."

Ms. Cox interjected, "It is not a restraining order, it is a protective order."

Attorney Miller asked, "Issued by whom?"

Ms. Cox said, "We are in the process of getting paperwork on it. We have a Stay Away order issued by Judge Stevens on Friday morning. We're going to file for Protective Order later today."

Attorney Miller asked, "Judge William Stevens?"

Ms. Cox responded, "Judge Stevens sat on the bench Friday morning in Superior Court in place of Judge Dietsch."

Attorney Miller asked, "You don't have a copy of that order."

Ms. Cox said, "It was read out loud and written into the record."

Attorney Miller said he thinks that is a separate question. The question of whether or not she is eligible for this relief really has nothing to do with the status of that proceeding over there. It does make it difficult for the Township Trustee's Office to know whether the man is or is not living there. "As I understand it, he is not going to live there if they can get the locks changed, but they can't get the locks changed without this \$15.00 cash."

Commissioner Willner asked, "Well, what could you do if he broke the lock down?-- that is the next question."

Commissioner Cox said, "In their letter, The Housing Authority is asking the Pigeon Trustee's Office to give this George Compton all the help they can. No wonder the Trustee's Office is confused."

Commissioner Borries said, "What I am saying is, shouldn't she apply for other housing? Wouldn't she be eligible for other housing?"

Commissioner Willner said, "There's probably a waiting list."

Ms. Cox said she also understands from the Housing Authority that if they can get her back into that apartment that they can request a transfer to another unit. But they first have to get her back into the apartment. Otherwise, she has to go on a waiting list.

Commissioner Borries said, "I'm very sympathetic here to what you are saying. But we have a real problem since that letter verifying his address is in writing."

Attorney Miller said, "It seems that if you can get her in there, a couple of dead bolt locks (which don't even have a key) would do the job and they don't cost \$30.00. If the Housing Authority was going to give her \$15.00 to put locks on the doors, all they have to do is get her inside.....but as long as the Housing Authority says that it is his apartment as well as hers, then they have a legal matter that has to go across the bridge over there. The Housing Authority letter really throws a monkey wrench into what is being requested here of the Commissioners.

Commissioner Cox said,, "Well, maybe I'm wrong; but I understand that the reason she wants to get back into the facility is so she can get her children back -- because she voluntarily turned them over....."

Ms. Mayes said, "My case worker has talked to Mrs. Jackson and she sat there and told her that if she (Ms. Mayes) can come up with the money that she (Ms. Mayes) can go back to the house and get the kids back."

Attorney Miller asked, "And all you have to come up with is \$15.00?"

Ms. Mayes replied, "Ms. Gaines is no longer my caseworker, there is a new caseworker."

Commissioner Borries asked that Ms. Cox and Ms. Mayes be seated until the Board can hear from the Trustee's office.

Ms. Hart of the Trustee's Office said she also talked to the caseworker. Regardless of whether Ms. Mayes gets the locks changed and goes back into the house, she will not have her children back before June 22nd, -- that is when they go to Court -- and the children will not be placed back in the home before then. She also talked with Mrs. Jackson of the Housing Authority. As far as she is concerned, George Compton still resides there and will reside there as long as his rent is paid. "I cannot pay \$15.00 to have the locks changed on an apartment for which we paid the rent for her to go back in there. Evidently there is confusion. It is a family squabble between her and George that I should not be in the middle of."

Attorney Miller asked if Ms. Hart has a copy of the lease?"

Ms. Hart said she spoke with Mrs. Jackson on April 1st when George Compton was again in the Trustee's Office. She asked her if he was still living there? She responded, "Yes, his name is still on the lease and as long as he pays the rent he can remain as far as she is concerned."

Attorney Miller asked, "What Court is he charged in?"

Ms. Cox responded, "Superior Court -- Class "D" Felony for battery."

Attorney Miller said he thinks he should call the Probation Officer and see what the status of that is -- see if there is some kind of an order that we can respect or what is going on.

Commissioner Borries requested that all parties be seated and wait until Attorney Miller makes some telephone calls.

Ms. Hart said, "She said we should let you know that we paid the rent until May 1st in his name -- so, as far as we are concerned, he lives there until May 1st. Whatever process you can go through to get him removed, if she gets his name off the lease then we don't have a problem with that. But at this point he still resides there as far as we are concerned.

RE: AWARDING OF CONTRACT - SHERIFF'S LEASE VEHICLES

Sheriff Shepard said that when he was here last week he was one bid short. He received bid from Kenny Kent on Tuesday morning (he put copies in the Commissioners' mailboxes.) There are three bids. It is his recommendation to lease these four (4) new unmarked cars and he recommends that we lease the vehicles from D Patrick Ford Co., due to the fact that their bid is the lowest. Further, the Sheriff's Department has approximately 40 cars and the majority are Fords. It would help his maintenance personnel to keep extra parts, etc., for one type vehicles rather than two types. They have been phasing out of the Chevrolets and going to Fords (for the past three years they've purchased Fords). The maintenance people at Walt's Service Center stock extra parts. They currently have to stock both Ford and Chevy parts. What he'd like to do is to stick with the Ford. It has been a very good car. Maintenance-wise, it has proved to be a very good car. Further, D Patrick Ford can give them the cars right away, whereas Kenny Kent would have to order the cars and Cooke Chevrolet (there is a difference in the price of approximately \$20.00 per month per unit). On the vehicles, themselves, the Sheriff's Department would incur the extended warranties (which they feel are very necessary) out of their Garage & Motors Account.

Commissioner Willner requested that the Sheriff read the bid prices.

Sheriff Shepard complied:

D. Patrick Ford: 3 yr. lease \$20,000/yr. or \$285.74 per unit per month. For the rest of the year (7 months) that totals \$7,000.72.

Kenny Kent Chevrolet: 36-month lease (20,000 miles per year) Unlimited Warranty. \$299.78 per unit per month.

Cooke Chevrolet: \$306.15 per unit per month.

Thus, it is his recommendation to go with D. Patrick Ford.

Motion was made by Commissioner Willner that the contract on Sheriff's vehicles be awarded to D. Patrick Ford in the amount of \$285.75 per unit per month, with a second from Commissioner Cox. So ordered.

Sheriff Shepard said he now needs to go before Council to obtain the money.

Commissioner Willner said the motion should then be approved subject to available funds. What we just did was to award a contract and you can't do that without money.

Sheriff Shepard said their lease is up and he is on schedule for the Finance Meeting.

Commissioner Cox said, "You told us last meeting that your lease was up --"

Sheriff Shepard said, "They are going to go a month at a time with us."

Mrs. Cox asked, "Well, how are you going to pay for that? Do you have an account?"

Sheriff Shepard said, "We have a lease account; we're going to have to get some money for it this month. We'll be 30 days in arrears -- we're always in arrears."

Mrs. Cox asked, "You mean they only allow you enough money to go through"

Sheriff Shepard said, "They cut me down -- they didn't give me any money for 1987. When the lease was up that was it -- and they said to come back. So he's going back to them. It's quite common that he go back to them for money if they don't have it at that particular time. He's up there every month.

Commissioner Borries said, "We're up there a lot, too."

Sheriff Shepard said that when he goes before Council, he will ask for the seven months rent, which will be \$8,000.72 to the end of this year and Cooke will just continue us on for this 30 days.

Commissioner Willner said he would withdraw his previous motion and make a motion that D. Patrick Ford be awarded the contract for leased Sheriff's vehicles in the amount of \$285.75 per month per unit, subject to available funds. There was a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period April 6 thru April 10, 1987....report received and filed. Attached to the report was the following Work Schedule:

Gradall: Old Princeton, Baseline Rd. and St. Wendel Rd.

Back Hoe

Roller: Harmony Way

Belt Loader

Pulled

Shoulders: Old State Rd., Allen Lane and Mesker Park

Patch

Crew: Orchard Rd., Upper Mt. Vernon, Old Henderson, Seminary and Alameda.

Graded &

Rocked: Bottoms

Shop: Removed snow equipment off trucks and repaired paver.

Work Report/Bridge Crew: Also submitted for the same period was the work report for the Bridge Crew.....report received and filed.

- Repaired Bridge 138 and 139
- Rip-rapped Darmstadt Rd. (9900 Block)
- Repaired guard rail on Fares Avenue
- Cleaned bridges on First Avenue - 111-C, Stringtown - 72, and Franklin Street.
- Repaired culvert on Calf Lane
- Rip-rapped Vienna Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for employees at the County Garage and the Bridge Crew.....reports received and filed.

Commissioner Willner said he had a letter from the persons affected on Harmony Way (he guesses the other Commissioners received the same letter). Mr. Long was very happy with what transpired and said he'd never seen government in action any sooner than that was done and he expressed his thanks.

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller said there are a few matters he needs to discuss with the Board. At the Board's request, he appeared at the County Council meeting last Wednesday and gave the members of the Council a summary of his thoughts regarding House Bill 1478 and its ramifications with respect to reassessment procedures as he reads that statute. His feeling, after reading the statute several times and talking to various people about all of the difficulties that were encountered in the last reassessment as a result of uniform standards, was -- and is -- that this new statute can only have had the purpose of eliminating that variation in standards from township to township that led to the difficulties that were experienced in the last general reassessment. If it didn't have that purpose, then there wasn't any reason to go to all the trouble to pass the statute in the first place. In his opinion, the only way that the statute is going to work and the only sensible way to read it is to read it as vesting in the County Assessor some very, very wide discretion and authority in setting out the guidelines and procedures which are to be followed by the Township Assessors in performing their parts of the reassessment process. He believes the statute can even be read (and maybe should be read) to give the County Assessor the authority to set down standards, to become the person or the office to whom all of the relevant physical and historical data with respect to property is brought for the coordination of all of that data so that a house in one township that is of the same age, construction, size, front footage and whatever other standards are appropriate, as another house in a different township having the same age, construction, square footage, front footage, etc. -- so that both of those places have the same assessment. The way that would work would be through the Township Assessors' providing the data to be put into a single equation (in this case a computer program) that is administered through the County Assessor's Office. That is an example of what he thinks could be done under this statute. He is not saying that the statute is that specific. The dispute arises because the English language always admits of ambiguity as you read long and involved statutes, and he and Mr. Kissinger (Legal Counsel for the County Council) had a long discussion prior to that Council meeting and while they do not agree necessarily on the interpretation of the statute, they did agree that the most efficient and sensible way to save this county a lot of confusion, unnecessary expense in the reassessment process and senseless bickering, is to take the ambiguities that are present in this statute and present them to an appropriate Court of general jurisdiction and say, "Here is the problem" and he would argue what he thinks and Mr. Kissinger would argue what he thinks and whatever comes out happens to be the rules of the game. That way, everybody is going to know what to do before the reassessment begins. It is his understanding that the County Council approved that procedure. It is not the County Commission's practice that he can simply go off and initiate legal actions in their name without their consent and direction. This legal action would not be in the Commission's name, it would be in the name of the County Assessor, who is one of the officials the Commissioners previously authorized him to represent from time to time. His proposal to the Commission is that they give the authority. The work has already begun in anticipation of this but, of course, it can be stopped and nothing is on file. But we have some time limits we are trying to meet and therefore they anticipated approval of this. If the approval is not forthcoming, they can stop. But he is asking for the Commission's approval to proceed with this declaratory judgment action which sets forth to the judges the difference in interpretation and the threat to the waste of taxpayers' money that could result and ask the appropriate court for an interpretation of the statute, which will give us the necessary guidance.

The Chair entertained questions. There being none, Commissioner Borries asked whether at this time the Board would want to authorize Attorney Miller to proceed with this matter and to express, as he has outlined, the Board's Concern, so that this county can have a fair and clear-cut and reasonable reassessment?

Commissioner Willner said, "I don't have any problem with that. The fact is, I think we have asked you to intervene up till now."

Attorney Miller said, "It was at your request that I spoke with Mr. Kissinger and that I made the appearance at the County Council meeting. I didn't do this on my own initiative; but we have now reached a point where I need your formal authorization to get into a litigation context."

Commissioner Willner said, "I would make that motion -- but I guess there are other things that bother me a bit. Some of the things that you've just said are correct, but probably don't go far enough. You talk about an equal house in Center Township and Armstrong Township; one with city water, city gas, and all the conveniences -- there has to be a value on those. So the house that sits here exactly like the one that sits elsewhere is not exactly the same value. Now, that is what the County Assessor needs to do if we are to have a relatively equal assessment. You have to say...."

Attorney Miller said, "All factors have to be the same; and any factor that was different would have a different effect."

Commissioner Willner said, "They need to be addressed and I agree with that. I will make the motion that David Miller continue with the Declaratory Judgment. I would like to have some input somewhere along the line before it goes to trial. Are you going to present your argument before the Judge and somebody else present theirs? Are the Township Assessors going to hire Counsel? If so, who are they going to hire? Who is going to pay for it? These are some of the things I want to know."

Commissioner Cox asked, "Who is going to pay for Mr. Angermeier, us?"

Commissioner Willner said, "We have to; that is our responsibility."

Commissioner Borries said, "It was my understanding that Mr. Kissinger was going to represent the side opposite David."

Mr. Miller said, "That is my understanding at this point -- that the Council authorized Mr. Kissinger to take the position contrary to the position of Mr. Angermeier. I was not privy to all of the discussions leading up to that, but at this point that is my impression."

Commissioner Willner said, "I'm not going to do anything like that. I think you both ought to be on the same side."

Mr. Miller said, "I'm going to file a...."

Commissioner Cox asked, "Well, whose side are we on?"

Attorney Miller said, "I don't think you're on anybody's side. I think...."

Mrs. Cox interjected, "I don't either. That is why we're asking the Judge to tell us which way to go here. I just know what I read in the paper about it. But we do have a problem. It is a communications problem and it is a problem of whose authority lies where and who is usurping someone else's authority. And I don't think we should be on anybody's side. I just think that whichever way the court rules we've got to get this going or we're going to be in a very embarrassing situation again."

Commissioner Borries said, "Not to politicize this, but let's just say we're on the side the taxpayer is on in regard to this thing. Really -- we have to do that. What we have to do -- we're going to try to end the confusion without taking anybody's side, except the people who are going to pay the taxes -- so that this thing comes off without hundreds or maybe thousands of appeals here going back -- so let the chips fall where they may out of this thing. That is the whole purpose of it, as I see it."

Attorney Miller said, "What we have to work with here, before your motion is voted on -- what we have to work on here is a statute that, as I understand it, applies only to Vanderburgh County. No other county in the state has either the problem or the statute to work with. And so we have two interpretations at least of this statute, and there are probably several more that are possible. What it is my intention to do -- so that you know -- is to name Mr. Angermeier as the complaining party, as the person requesting the Declaratory Judgment, although from what I understand, any of those who may be lined up that do not take Mr. Angermeier's position -- they could be plaintiffs as well as he could, it doesn't make any difference who starts it -- you just have to have somebody named. And we're going to name Mr. Angermeier as the Plaintiff and we are going to include as Respondants the Vanderburgh County Council and each one of the Township Assessors. The reason we're going to do that is because the County Council has the responsibility of appropriating the funds to accomplish the reassessment and the various Township Assessors have jurisdiction over disputes with Mr. Angermeier growing out of the ambiguity in this statute. How the other people who are named parties choose to handle the response to Mr. Angermeier's position, I don't know -- I have to leave that to them. But it is my understanding that Mr. Kissinger, because of the County Council's authorization to him, is authorized to argue what is an opposite interpretation from me. There will not be any substantial evidence other than the proposed budgets of the Township Assessors as opposed to the County Assessor, because they each propose their budget based upon the procedures they intend to use."

Mrs. Cox said, "County Council's dilemma is that they don't know who to appropriate the money to. Whether to appropriate it to the County Assessor or to the Township Assessors?"

Commissioner Willner asked, "Why are they going to argue on the side of the Township Trustees?"

Commissioner Borries said, "I don't think they are. In any court -- the reason why you have a court is because you're going to have a difference of opinion and we can't go in there at this point without giving each of the opinions."

Commissioner Willner said, "You certainly can. You can ask the Judge for his opinion."

Commissioner Borries said, "That is what we are going to do."

Commissioner Willner asked, "Why give him anything? We're going to hire two attorneys here -- that is what we are going to do and that is ridiculous."

Commissioner Cox asked, "Is this going to be extra money? Are they going to get paid extra for this?"

Commissioner Willner said, "Certainly, you have to pay them...."

Commissioner Cox said, "Sixty dollars an hour -- over and above just their routine..."

Commissioner Borries interjected, "I would say that the cost to the county is going to be far less than the cost may be to the county if this thing is not resolved. I see it as a situation where we are trying to move this thing forward without any prejudice."

Commissioner Willner said, "Fine; then let's let it be on the same side."

Commissioner Borries said, "Well, I don't see how we can, because there are two sides."

Attorney Miller said, "If we all agree, then there wouldn't be a lawsuit. In an adversary situation"

Commissioner Willner said, "The County Council isn't adversary, though."

Attorney Miller said, "But the County Council has different legal counsel than you and their legal counsel does not advise them in the same fashion as I am advising you and I have advised Mr. Angermeier in your instance."

Commissioner Borries said, "That is why at the Federal level a lot of times they will get other counsel to sometimes bring out all kinds of adversarial questions. And it does boil down to the funding aspect when they begin to talk about computers and how much money has to be expended for that and do you need different systems or do you need one?"

Mrs. Cox said, "Had not David Miller appeared and brought this declaratory judgment approach forward, then the Council would have been advised to appropriate the monies to the individual Township Assessors to get on with the reassessment."

Attorney Miller said, "No doubt about it."

Commissioner Willner said, "That is not what he said. That is not what he said."

Attorney Miller said, "Well that is what I understood him to say in our telephone conversation."

Commissioner Willner said, "That is not correct. He interpreted the statute before Mr. Miller got into it and he interpreted it the same way that Mr. Miller did. The Council, so I am told, would not accept that interpretation. Now this is wrong."

Mrs. Cox asked, "This was at an open meeting or..."

Commissioner Willner said, "I don't know; I guess we'll get the minutes from it." He turned to County Auditor Sam Humphrey and asked, "Sam., were you there?"

Mr. Humphrey said, "My understanding was (of course, you know that the Townships in the County look at things a little differently) that Mr. Kissinger was going to take the opposite side to appease the Township Assessors."

Commissioner Willner said, "That's exactly right."

Mr. Humphrey continued, "But his interpretation before the Finance Committee Meeting was just about what David Miller's is."

Commissioner Willner said, "Exactly."

Attorney Miller said, "I wasn't at the Finance Committee Meeting, but I can tell you that at the County Council Meeting he indicated that he was going to take an adversarial position."

Mr. Humphrey said, "At the Finance Committee Meeting Mr. Kissinger did not make the statement that David did. He answered questions and his answers to questions posed were roughly the same answers that David gave -- so he did not make a statement. But to go into the Court....."

Commissioner Borries said, "Bob, I think that the question just needs to be raised. Are you saying there is only one answer?"

Commissioner Willner: "Sure, and that is the Judge's answer. I don't know how much time it is going to take....."

Commissioner Borries said, "I want to respect your concern; but I don't know where the problem would be. As I see it, we raised the issue. I think that the attorneys are certainly capable of arguing both sides of the issue. I don't think that merely because the other attorney presents the other side -- it does not mean that he, personally, would be advocating or believing that point of view. It is not wrong to present both sides. I think we have to get it out there and resolve this. And I think we have to do it quickly."

Commissioner Cox said, "I agree with Rick, because I believe that if it isn't resolved the Township Assessors are not going along with whatever the County Council's attorney or our attorney says without a Judge's order and if the Council would allocate the funds to the County Assessor, I would see them banding together or maybe one of the Township Assessors filing a suit. I think that is how it would come out."

Mr. Humphrey said, "Each of those Township Assessors wanted their own computing system -- their own stand alone computer."

Mrs. Cox said, "That is not the way I understood it. I thought they wanted a terminal..."

Mr. Humphrey said, "No, no..."

Mrs. Cox said, "Well, some of them wanted just terminals -- I do know that, because I've talked to some of them."

Mr. Humphrey said, "The three downstairs want their own stand alone computer."

Mrs. Cox said, "Well, I can understand their concerns. They were elected by the people to do the assessment in the townships and I understand..."

Commissioner Borries said, "I think they should do that. But because the County Assessor has a Board of Review at his disposal, this thing ought to proceed once that data is collected. We just need to know at this point how that thing proceeds beyond that, to end the confusion that happened all over the county during the last reassessment."

Mr. Humphrey said, "I've sat in on all of the reassessment meetings that I've known about and Council Meetings and it appears that the Assessors ran on one set of laws and there is an intervening law applying from reassessment that no one ever brought up except in the townships. That appears to me to be the problem. And in all years except reassessment years, they are right. But in reassessment years there is a special law that applies."

Commissioner Willner said, "It is the County Attorney's job to do it and his alone and he should be paid and no one else. If we want to do it out of the goodness of our hearts, it's fine with me."

Commissioner Borries said, "Again, I respect that; but, again, I say that I also don't feel at this point that we don't want to end up, in my opinion, with eight different systems at the township level doing all of this and costing everybody from one township to another far more than it is going to get this matter out there and resolved. They may decide that we're going to have eight different systems and that is the way it goes."

Commissioner Willner said, "We have a law here in Vanderburgh County that is not all over the state of Indiana and, to tell you the truth, I don't even believe that is legal. So that might be the first arguing point."

Mrs. Cox said, "That is true; we may have a law here that is unconstitutional."

Commissioner Borries said, "I was going to ask why we are so unique?"

Attorney Miller said, "There are a lot of laws that apply in this state only to Marion County, or only to Lake County or only to Lake Joseph County."

Commissioner Borries asked, "If I'm correct, didn't this happen because of the 1979 reassessment?"

Mr. Humphrey said, "Any county that has more than 140,000 people and less than 200,000 (regardless of where that county is) and it just happens that there is only one county in the state that it affects."

Attorney Miller said, "And that has been the method by which the Legislature has passed special legislation for 10 these many years. The fact is, they intended it to apply to Vanderburgh County and it does. And that question has been litigated a long time ago and there is no sense in our wasting time on that one. It was decided a long time ago that the Legislature can do that. What we have to do now is address what in the world it means."

Commissioner Cox asked, "You made a motion, Mr. Willner. Are you still standing by that motion?"

Commissioner Willner said, "Sure and I will repeat the motion. I move that we authorize Mr. Miller to ask the Court for a Declaratory Judgment."

Mrs. Cox provided a second to the motion. So ordered.

RE: COMMISSIONERS' EXECUTIVE SESSION

Attorney Miller said the Board needs to schedule an Executive Session for the purpose of discussing a couple of items of litigation he is handling which require that some decisions be made -- that it is not in the interest of the county to discuss in an open meeting. Those cases involve primarily Elizabeth May (the case currently set for trial in June in U. S. District Court in Southern Indiana). He sent to the Commissioners a new decision by the Indiana Court of Appeals that speaks somewhat to the possibility of no liability on the part of the county in that particular case and many others. He wants to talk to the Commissioners about that theory and talk to them about where we are in that case and some strategy that we need to develop that will cost money if we have to take it. At this point, he does not think it needs to be discussed openly. He would like to have the Executive Session sometime within the next ten (10) days at the Commissioners' convenience. The notice of the Executive Session needs to be published. But the notice should say that it will cover other items of litigation, because he knows there are other things he is forgetting that need to be discussed, the Volpe case being one of them.

It was determined that the Commissioners' evening session is scheduled next Monday, April 20th at 7:30 p.m. and that the Executive Session could be held at 5:00 p.m. Attorney Miller said he needs between one half hour and an hour's time.

President Borries noted that the media is present and he will state that there will be a Commissioners' Executive Session on Monday, April 20th at 5:00 p.m. It will also be advertised.

There was brief discussion as to what the advertisement should include. Attorney Miller said he believes "strategy planning and matters in litigation" will be satisfactory.

RE: PUBLIC HEARING - VACATION REQUESTS

It was noted by Commissioner Cox that a Public Hearing is scheduled on two vacation requests next Monday evening (St. Joseph Avenue and Short Selzer Rd.).

Commissioner Borries said he is glad Mrs. Cox mentioned this, as he wants to discuss it under Old Business.

RE: REPORT ON POOR RELIEF MATTER

President Borries asked whether Attorney Miller now has a report on the poor relief matter?

Attorney Miller said he made contact with the Probation Department and with the Superior Court Clerk. Mr. Compton is apparently released on his own recognizance and is not subject to any supervision of any kind. If there was an order issued, it was simply an oral statement by the Judge not to touch or bother this lady. He thinks strictly construing the guidelines that the Township Trustees must work under, this \$15.00 (although it is not a lot of money and it may or may not be in the lady's best interest to change the locks) cannot appropriately come from the Township Trustee's Office under these circumstances. It appears that there is a lease in effect in this man's name for this unit and the Township Trustee's Office has made a payment to the Evansville Housing Authority knowing that that money was paid on the application of the very individual that they are now being asked to buy locks to keep out -- and the Commissioners are not the judicial body to handle deciding who gets in and who gets out. It is a matter for the courts and, like Mrs. Cox, he'd pitch in a few bucks to buy the lock, too, based upon what he heard here today. But, as a public body, he just doesn't see how they can do it. He is as sympathetic as the Board is to her circumstances and he hopes that by June she can get it worked out. But he thinks that this is the wrong place to get the \$15.00.

Commissioner Willner asked "How long does it take to get a restraining order?"

Attorney Miller said, "If an action of divorce were filed, a restraining order against that man going on that property could probably be issued the same day the action was filed."

Commissioner Willner said, "I think the first thing they need to do is see that that is done by court order."

President Borries asked, "Can Mrs. Maees stay at this time at the Y.W.C.A. until this matter is resolved?"

Ms. Susan Cox responded in the affirmative.

President Borries said she may wish to talk to Attorney Miller further if she feels there would be some ways in which we can help legally. Certainly, the Albion Center does a fine job with a crisis like this. But he hopes that she understands that legally the Commissioners have a problem of a lease as well as an agency that would be literally paying against itself with the way the situation is.

Commissioner Cox asked if Mrs. Mayes gets to see her children?

Ms. Mayes responded in the affirmative.

RE: BUILDING COMMISSION - ROGER LEHMAN

Mr. Lehman presented the monthly report. He said that we are currently approximately \$3 million above last year in construction in the county. As the Board knows, last year was our record year for construction in the city and county. We are also some \$7,000 ahead in revenues from last year. Almost every time he came to a meeting last year he said we were having an excellent year -- a better year than we've ever had in revenues. He is still saying that. Construction in the county is still booming. We issued six (6) more permits in March for houses in the county than we issued in March of last year.

RE: COUNTY ENGINEER - ANDY EASLEY

Change Order/IDOH: Mr. Easley said he wants the Commissioners to consider a Change Order that was given to him by the Indiana Department of Highways concerning what they call Local Service Road #2 (which is Heerdink Lane). If the Board will recall, last fall we signed an agreement between the County and the State for them to construct that road. At the time (in June) at the request of Lee Gallivan he had prepared a very rough estimate (we had no plans) that it would cost us \$116,000.00 in materials and no construction engineering to build the road. We now have a Change Order that they want us to sign. When we got into this, he was told that they could build it for approximately the same amount of money (and he thinks Rose Zigenfus will confirm this) -- he had no seeding and a few other items on there -- he knew it had to be seeded but he wasn't considering that. But we have an Extra Work Agreement and an increase in materials. The Extra Work Agreement is \$10,614.00 and the Change Order is a little under \$115,000.00. They have still not received a price from Koester on the crushed stone base that has to go down, which will probably be at least \$60,000 (and could be more). The bottom line is that because of the contractor's unit prices and some other items they feel they need to be reimbursed for -- clearing -- (they have included stripping the top soil) -- we would have done that and the excavation, because we do not need the fill at our end -- but we have a project shaping up that could cost us \$185,000.00. We may have passed the point of no return on this project. Gallivan feels we should go ahead with it. Turning to Rose Zigenfus, he asked if she wanted to say anything.

Ms. Zigenfus said that in talking with Lee Gallivan and to add to what Andy is saying, at the time the estimate was given it was a rough estimate and we had no design drawings on which to base the estimate. We might also keep in mind that there would be additional construction engineering costs if we were to do this ourselves. She thinks time is of the essence -- or that is what she is gathering from the IDOH and the Federal Highway.

The Chair entertained questions.

Commissioner Cox said, "I thought we had that extension approved in the budget, but I don't see it."

Mr. Easley said, "I found out last Thursday that it was not encumbered -- and that is one of the items he is going to have to request permission to go before Council and obtain an appropriation for. He believes there was a lack of communication between the Auditor and his office last fall -- because they did get a letter from Suzie to encumber everything that was left."

Commissioner Willner asked, "What was left in the budget for 1986?"

Mr. Easley said, "There was \$198,000.00 balance left in this account"

Commissioner Cox asked, "How come there was that much in there? Because I remember your asking for around \$116,000.00."

Mr. Easley said, "Well, because we purchased the right-of-way out of the account and it is actually a 203 number -- but that was the balance at the end of the year -- \$198,000.00."

Mrs. Cox said, "None of this includes the design cost either. We're still going to have to pay for design costs."

Mr. Easley responded, "No, no -- we designed that in house and I acquired the right-of-way and wrote legal descriptions -- and Lee Stucki helped me negotiate all those easements. I am a little disappointed in getting this far along and learning we can't do it for that. If we were doing it on our own, my estimate reflects prices we could get the work done for. But going through a major contractor who is working for the Indiana Department of Highways -- we have to have two flagmen to haul the materials across Millersburg Rd. -- they have \$3,200 just to haul the material across the road."

Mrs. Cox said, "They say the additional cost contains over two (2) acres of clearing which was not present on the original alignment and an incinerator unit must now be used to burn the cleared materials. The road length was doubled."

Mr. Easley said, "That's right. But technically the monies are coming out of a 203 account (Heckel Rd. Bridge) -- that's what the funds are coming out of."

Commissioner Willner said, "I talked to Lee Gallivan about an hour ago and I guess where our problems originated is that when you go through a contractor, he adds on his 10% or 15% on any item that is going to be used, whether it be base, rock, binder, surface, or whatever. Since we were going to do it ourselves, Andy didn't have that figured in. At one time Lee Gallivan told us that it would not cost us any more to go with the State than it would to do it ourselves. Those were his exact words -- and we find out that that is not true and I really don't like it and I don't see why we had to stand still for it."

President Borries asked, "What are our options at this point?"

Mr. Easley said, "I could go back to the negotiating table to see whether we could"

Mr. Willner asked, "Are they working in that area now? I know they will be shortly."

Mr. Easley said, "They are trying to get their contract finished by June. As soon as weather permits, I think they'd like to start working and the State has shifted the north end alignment over to that right-of-way we acquired. Our south end is open and clear and they thought it would be a better location and the property owners said they'd rather have the frontage road behind them instead of between the east right-of-way line of I-164 and their property -- so I don't know whether it is possible for us to get out of it graciously or bite our tongues. It is kind of like the bridge we got stuck with on Morgan Avenue. We had assumptions and ended up paying a lot more for it."

Commissioner Borries said, "If we don't do this -- one of the reasons we went on with this is because Heckel Rd. Bridge is very old and if that is not replaced, this was going to be an alternative to that replacement. Is that correct?"

Mr. Easley confirmed that this is correct.

Mr. Borries asked, "If we don't do this, we're back to what then?"

Mr. Easley said we could build the road.

Attorney Miller asked if we've signed a contract with the State to build this?

Mr. Easley said it is estimated at \$116,000. It says that if the Change Orders proved to be more than that, we will send them the money in thirty (30) days.

Commissioner Borries said, "So they are increasing it by \$114,000."

Mr. Easley said, "They are increasing it by 65%."

Mrs. Cox said, "We don't what they're increasing it for. They give us a \$10,000 cost on the front for different things and they do not have the crushed stone figured in and Andy has that estimated at \$40,500, but yet he just said it could be \$60,000 additional."

Mr. Easley said that is correct. "I have \$9.00 stone, for which we have a contract with Mulzer. We can demand that Mulzer sell us that stone and I have \$3.00 per ton to get it compacted -- and that is the most I think we'd have to pay for it. And I'll bet you we'll be lucky to get it out of them for \$16.00 per ton."

Attorney Miller interjected, "It says here that the plan specifications and special provisions and cost estimate for LSR2 (I guess that is the project name) have been approved by the State and the County and no changes affecting the changes of these two parties shall be made without the written consent of the party affected. It then says the construction contract was awarded on the basis of unit prices and estimated quantities. The State will add the reconstruction of LSR2 from station so and so, line such and such to station so and so, line such and such to the I-164 project. The county shall pay the state \$116,500 within thirty (30) days." Then it says, "If an advice of change order is approved which increases the county's portion of the construction cost, then the county shall pay the state that amount within thirty (30) days." But it doesn't say that you have to agree with this change order. You'll get what you contracted for back here for \$116,000.00, is that right? Isn't that what that says?

Mr. Easley said, "I don't think so."

Mr. Willner said, I don't either. We either go with the change order or they don't do it."

Commissioner Cox said, "A good example is under excavation and grading. Andy has \$2,400 estimated and a rubber tired scraper - \$2,800 estimated for 40 hours. Here on there explanation they have that scraper \$104.00 per hour and incinerator service unit is \$74.00 per hour. All we know right now is that it is \$114,000 plus \$10,614.82. Right, Andy?"

Mr. Easley said, "That is right. They told me the only stone presently in the contract is what they used here and there to keep things passable and Koester was getting \$22.00 per ton for that."

Commissioner Willner queried Mrs. Zigenfus asking, "The deadline you talked about was what then?"

Mrs. Zigenfus said she thinks they are wanting to know in order to proceed immediately.

Commissioner Borries said, "Well, we'd be willing to negotiate with them to proceed immediately. But, in my opinion, we need to go back and negotiate further on this."

Mr. Easley asked, "You mean with Koester?"

Commissioner Borries responded, "Yes, right away."

Mr. Easley said he thinks that is the only logical answer. He has three days left this week to negotiate.

Commissioner Borries said, "I would also say that in the near future I think it is going to be very important that you meet with the State Highway people and Gallivan at the Federal level to go through this design phase as it is going to affect the county all the way down that I-164, because I know the city is going to encounter some problems with traffic and things they haven't even thought of with the Lloyd Expressway."

Mr. Easley said, "It is practically all designed and half of it is already out for contract."

Commissioner Borries said, "I would just like to identify if there are any particular problems that we're going to see as this thing goes all the way around to Highway 41 near Southlane Drive. Are we hanging out anywhere else on any other parts of this thing? We don't know, do we? There are two that keep popping up as we go further south. First it was Boonville-New Harmony and " then Heerdink. Are there some other ones? Are we o.k., for instance, on Hirsch Rd.? I just would like to know because I can see some potential for some other difficulties. It is really hard to budget if these things come up. We are for progress and we need the road. It's just that we're out there not knowing what to expect from the local standpoint as these things come through, because the traffic patterns change and everything else has some lingering effects out there. Could we schedule a meeting and kind of walk through that project one more time just to see what the impact is going to be for the county? I guess that is what I'd like to know."

The Chair entertained further comments from the Board.

Commissioner Willner said, "The state did change some of the design on I-164 to meet this particular section of road? They have done the engineering?"

Mr. Easley responded, "It was a joint effort between my office and the designers."

Commissioner Willner said, "If we don't go with them now, they might change it back and they might not give us our engineering. So I'm going to make a motion that we approve the project and ask Andy to negotiate the price to the best of his ability. I can understand what Koester is going through. He gives the Federal and State Highway a price. If he then comes back to Vanderburgh County and cuts that price, they are going to say to him how come you didn't cut it for us? So I can understand his view, also. He's kind of at the same place we are -- it's just one of those things."

Mrs. Cox provided a second to the motion. So ordered,

Mr. Easley asked whether the Board supposes that Mr. Koester might consider deleting the stone and the asphalt?

Mr. Willner said he doesn't think the State would let him. But that is one of the things Mr. Easley might ask.

Mr. Easley said he was going to have an all asphalt frontage road and it has been changed. If they want to pave their half, maybe we could pave our half.

Commissioner Willner said, "The motion has been made and seconded for you to do the best you can. It is an unapproved project, that is what it is."

Mr. Easley asked if we should hold the change order until next week?

Mr. Willner asked, "You're going to have another one anyhow, aren't you? We might as well sign both of them at the same time."

Mr. Easley said he thinks they would like to get the earth moving going. Didn't Lee Gallivan say that?

Commissioner Willner asked whether Commissioner Borries agrees with the motion he made, which was seconded by Mrs. Cox.

Mr. Borries responded in the affirmative. He said we just need to save some dollars here if we can do it, however.

The Board requested that Mr. Easley report back to them next week concerning his progress in this matter.

RE: REQUEST TO GO ON COUNCIL CALL

Mr. Easley said he would request permission to go before Council to obtain the \$198,000.00 so we can pay our obligations on the above-mentioned project. Motion to approve the request was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: SUBDIVISIONS

Old Petersburg Place II: Mr. Easley said he would like for the street improvement plans to be approved for Old Petersburg Place II. He had distributed copies to the Commissioners a couple of weeks or so ago for their perusal.

The Chair entertained questions. Following brief discussion, a motion was entertained.

Motion to approve street improvement plans, as presented, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Windsong Subdivision (Indian Woods): Mr. Easley said he has reviewed these plans.

Mr. Jim Morley said, "Windsong is the Jagoe Homes portion of Indian Woods Subdivision and all of the streets are in accordance with county standards. The only thing is the flare at the end on the cul-de-sac. Everything else is exactly according to county standards and the Commissioners previously granted their approval with regard to the flare on the cul-de-sac."

Motion to approve the plans, as submitted, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

In response to query from Commissioner Cox, it was determined that the drainage plans for Windsong II Subdivision were approved on March 23, 1987.

Shoshoni Street Plans: Mr. Morley said the last bid that Industrial Contractors has to complete up to Covert is Shoshoni Drive. Most of it is 54 ft. wide to Covert. This section of Shoshoni is 54 ft. wide to Covert and contains an acceleration/deceleration lane along Covert, curbs and storm drainage all the way. While it will be done about the same time as Windsong, this is Industrial Contractors' responsibility. Chal Corp. does this and that is the reason for the separate sheet. That is a continuation of what has previously been submitted on Shoshoni as far as the design standards.

Motion to approve the plans, as presented, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Commissioner Borries noted that the cuts have already been approved.

Greenbriar Hills III & McCutchan Estates I: Mr. Morley said there are two other sets of plans which Mr. Easley has not had an opportunity to review (Greenbriar Hills III & McCutchan Estates I). Since Mr. Easley has not had time to finish his review on those, we'll have to wait until next week to get them approved. He believes Mr. Easley can approve the estimate in the interim and they can get their letter of credit.

Commissioner Borries said next week's session will be an evening meeting. He could not wait until April 27th?

Mr. Morley said they are under construction right now -- they are doing dirt work right now.

Commissioner Borries said that perhaps Mr. Easley can make his recommendations at the next meeting, without a lot of discussion.

Boonville-New Harmony Rd. Extension: Mr. Easley said he met with Wilber Fehd and Wayne Fehd last week and they asked for a couple of things: a field entrance and one culvert to be relocated on Boonville-New Harmony Rd. Extension and they said they would be willing to withdraw their request for a public hearing.

Commissioner Borries said that, for the record, they were the only persons who had submitted that request. If it is matter of one person, after you've talked with them, then we can proceed without the public hearing if they agree.

Mr. Easley said he will summarize and write some minutes of the meeting and we will give them a letter agreeing to make these minor changes -- and they said they would be satisfied.

Commissioner Borries said he believed their concerns were that it impacted part of their land.

Mr. Easley said it has a driveway across their farmground and they are not happy about it and they wish we'd move the road somewhere else. But he assured them there was no way we could do that.

RE: "B" STREET UNDERPASS

Commissioner Cox said we are getting fairly close to either the April 15th or April 16th completion date on the "B" Street Underpass. Are we going to schedule that for a hearing soon?

Mr. Easley said he needs to call Virginia. When he talked with them a week or so ago, they thought they were going to be able to make their deadline -- though it was going to be tight.

Mrs. Cox said, "Then maybe next week we can schedule the Public Hearing?"

Mr. Easley said, "Yes; I'll call them."

RE: VOTING PLACES FOR PRIMARY ELECTION

President Willner presented a list of Voting Places for Primary Election for approval prior to advertisement. The changes were as follows:

<u>Ward</u>	<u>Precinct</u>	<u>From</u>	<u>To</u>
5	4	St. Lucas United Church of Christ 33 W. Virginia St.	Independence Square-Lobby 201 Delaware Street
6	3	Salvation Army Youth Center 1040 N. Fulton	Immanuel Presbyterian Church 1230 Fountain Avenue
6	18	Berean Bible Church 710 N. 12th Ave.	Northstar Video 2300 W. Maryland St.
1	13	McGary School Auditorium 1535 Joyce Ave.	Covert Ave. Baptist Church 3001 Covert Avenue
Scott 2		Bluegrass Church Community Bldg. Old Petersburg Rd.	Bluegrass Church, Educational Bldg. Old Petersburg Rd.

Motion to approve advertisement of Voting Places for the Primary Election was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY CLERK - MONTHLY REPORT

President Borries presented the Monthly Report from the County Clerk for period ending March 31, 1987.....report received and filed.

RE: HOLIDAY CLOSING

It was announced by President Willner that all County Offices will be closed on Friday, April 17th, in observance of Good Friday.

RE: OLD BUSINESS

Hillcrest-Washington Home Proposals: For the record, Commissioner Borries said he has talked to the County Council President. There will be a joint meeting with the Council in Room 303 on Thursday, April 23rd at 2:30 p.m. regarding the Hillcrest-Washington Home proposals. Proposals will be received at the evening meeting on April 20th and that will give us two days to study same. He would ask that the Commissioners consider, if possible, a vote at that time. If Council and Commissioners so desire, persons representing firms submitting proposals could also be invited, so they could answer questions prior to a decision being made. Or, they can contact the agencies during the two day period to ask questions concerning the proposals.

Vacation/St. Joseph Avenue: President Borries said he received a telephone call from Mr. Jim Meyers concerning the vacation of portion of St. Joseph Avenue. He advised Mr. Meyers that if he cannot come to the evening meeting on April 20th when the Board is due to make a decision, then he needs to submit his comments in writing -- so the Commissioners can act upon the matter. But there are some concerns he raised, not the least of which concerns the ownership of that area.

Commissioner Willner said, "We own it; we bought the lots."

Mr. Borries said, "His contention was that the person who is asking for that vacation never had any ownership."

Commissioner Willner said, "He never has; Vanderburgh County owns it."

Commissioner Cox said, "Maybe if we own it we'd have to have an auction. We just can't vacate that back to a property owner if we bought it. It was my understanding that when we bought the right-of-way that subdivision was plotted and in order to get that we had to buy the entire lot and that is how we ended up with the extra footage -- and it wasn't what was reported when it was first submitted. We just thought we'd made the set-back line too far -- but that is not the case." The other Commissioners concurred.

RE: TALL TIMBERS SUBDIVISION

Commissioner Borries said he received the following letter from Mr. Jarrett:

April 9, 1987

Mr. Richard J. Borries, President
Board of Commissioners of
Vanderburgh County
305 Administration Building
Civic enter
Evansville, IN 47708

Dear Mr. Borries:

This letter acknowledges receipt of Mr. Jeffers' report on Friday, March 27, 1987, and my conversation with you on Wednesday, April 1, 1987. I will pay the fee of another licensed engineer of your choice to evaluate the Tall Timbers Subdivision. He will submit "As-Built" plans and give professional recommendations on what improvements should be made to make the project eligible for the Commission's acceptance.

Sincerely,

Robert L. Jarrett, President
The Jarrett Companies

Commissioner Borries said he told Mr. Jarrett at the time of their conversation that he has no engineer. He thinks Mr. Jarrett is going to have to pay this. The Surveyor's Office has prepared the report and he (Borries) has no conception as to who he hires. He believes that is Mr. Jarrett's choice. If it is agreeable with the other Commissioners, he is going to respond to Mr. Jarrett in that fashion.

Commissioner Cox said, "Whoever it is, it should be a licensed engineer that is familiar with our subdivision ordinances."

Commissioner Borries said, "Right."

RE: INDIANA HIGH RAILS PROJECT

President Borries said he received a letter from Lt. Governor John Mutz concerning the Indiana High Rails Project (which has to do with railroad track replacements, etc.). We submitted a grant and it is under consideration. They have not yet made a commitment on it, but they saw the worthiness of the project and that is what the letter was about.

RE: GRANTS FOR COMMUNITY IMPROVEMENT PROGRAMS

Commissioner Borries said Mike Robling of DMD has requested that the Commissioners sign proposals for Improvements to Hillcrest-Washington Children's Home and the Vanderburgh County Revolving Loan Fund for Small Businesses so DMD can submit full applications to the Indiana Department of Commerce.

Motion to approve the proposals was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: SCHEDULED MEETINGS

Thurs.	April 16	1:30 p.m.	Meeting re Wheel Tax (Room 301)
Monday	April 20	5:00 p.m.	Executive Session
"	"	7:30 p.m.	Commissioners Meeting

RE: CLAIMS

Garrison Development: Claim for Permit Refund in the amount of \$80.00. Motion to approve claim was made by Commissioner Willner with a second from Commissioner Cox. So ordered.

Alexander Ambulance Service, Inc.: Claim in the amount of \$34,132.31 for March 1987 quarterly billing. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Kim Bitz: Claim in the amount of \$179.71 for mileage and convention attendance. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: ALEXANDER AMBULANCE SERVICE, INC.

President Borries submitted report from Alexander Ambulance Service, Inc. for period ending March 31 1987....report received and filed.

RE: AUDITORIUM

Commissioner Borries said that for the record he would tell the Commissioners (so we can get this moving along and, perhaps the Auditorium Advisory Board would want to consider this first) that he attended the Philharmonic Concert last week and, again, concerns were voiced about the parking along the aisle. It may not be necessary to consider it at all times. There is also some concern why at evening events they cannot open the rear chained portion of that parking lot to allow traffic to clear more rapidly. He said he commented that possibly the county can work with city officials -- and specify right turn only, he doesn't think that late at night there would be that much of a problem turning right onto Walnut.

Commissioner Cox said perhaps they would be willing to have Civil Defense come for an hour after the performances to help move the traffic out of there and give them a donation for doing that. We have opened it before and let people make a right turn only.

Commissioner Borries said he would see it this way. He doesn't know that we would want all kinds of left turns -- but right turn only.

RE: EMPLOYMENT CHANGES

Hillcrest-Washington Children's Home (Appointments)

Shari M. Atkinson	House Parent	\$5.50/Hr.	Eff: 4/9/87
Charles R. Coleman	House Parent	\$5.50/Hr.	Eff: 4/10/87

Commissioner Cox asked, "Who appointed those people?"

President Borries said that Connie Davis appointed them.

Commissioner Cox asked, "Were they vacancies or replacements?"

Mr. Lindenschmidt commented, "She had to have somebody."

Commissioner Cox asked, "What happened to the other ones?"

Mr. Lindenschmidt said, "A couple quit....."

Comissioner Cox asked, "Where are the releases on them?"

Mr. Lindenschmidt said, "They haven't officially quit; they left town for a death or something and have indicated they are not returning."

The Chair entertained further matters of business for discussion.

RE: ENT ACRES SUBDIVISION

Mr. Morley said there is a little subdivision out on Darmstadt Rd. that a Doctor put in called "ENT ACRES". It is a private subdivision in which the street was done privately. They dedicated the 50 ft. right-of-way and right on the face of the plat put in the contract as to how it was to be maintained, etc. The lots are around 2-1/2 acres in size and they have 400 ft. of frontage. They constructed the side ditches; 8 inch rushed stone road 18 ft. wide and a contract of how they will maintain it. Now the Doctor wants to extend the drive and add up to five (5) additional lots. The way the ordinance reads, if you do a regular subdivision plat you have to, of course, do a 50 ft. right-of way -- and that is not a problem. But you have to have sidewalks; you have to have curb and gutter, unless they are waived -- constructed to county standards. Well, this is an add-on off the end of an existing street and there would some 800 ft. more extension of that driveway. The covenants are on the front of this.

The other thing we could do would be to do a minor subdivision plat and simply plat two (2) lots and a minor sub doesn't specify anything. It has no minimums for access easements -- it doesn't have anything on it. It goes back this 20 ft. egress/ingress easement that has been in existence for five (5) years or whatever and builds on five (5) acres back there. Theoretically, we could do it in pieces or once in five (5) lots. The question is, if he were to prepare this what does the Board think of this continuation of a private road as he has done?

Mr. Miller said the county doesn't have any responsibility for the maintenance of that road as it is, is that right?

Mr. Morley said "No, that is correct."

Commissioner Cox said, "And he is not asking for us to take over and maintain that section of the road that is private now. What he is doing is asking that he be allowed to construct a similar road to what he has in there now to extend the subdivision.

Commissioner Willner said, "It is a mess back there now -- it's white rock."

Mr. Morley said he is o.k. until he gets to what he calls his new portion and then -- he cut a road back in there to take a look at it and he if he goes with a sub he has to completely re-do that. That was done without surveying. He just did it to get back to where he thought he wanted to build a house and then he decided he wanted to do a sub and put more money into the road.

Commissioner Willner said, "But he ought to blacktop it. What he is waiting on, I imagine, is to sell all the lots so he can divide the cost of blacktopping."

Attorney Miller said "It sounds like anybody on that street has a action against him right now."

Mr. Morley said "No, up to three more...."

Mr. Easley asked, "Does this mean he has to put up a financial guarantee?"

Mr. Morley said, "That is the problem. The question...."

Commissioner Willner asked, "Can you imagine though \$250,000 homes with dust all over them? That is what is happening back there right now."

Mr. Morley said,, "There is one thing for sure here -- nobody is being taken advantage of. If anybody is back there they sure now what they've got -- it's right on the contract."

Commissioner Willner said "But there is so much dust -- even the neighbors who have been there for years -- they are getting that dust, too."

Mr. Morley said, "I think the provision calls for three more -- they have to have a dust-free surface -- either blacktop or concrete."

Commissioner Willner said, "I have no problem with whichever way he wants to go. But we should try to get him to blacktop that."

Mr. Morley said, "When a road is that big and services only ten (10) lots, there really is no reason to insist upon 24 ft. or 29 ft. wide. There's nothing wrong with an 18 ft. well done (county thickness) roadway serving those lots."

Attorney Miller said, "If you are here for an advisory opinion, what I hear them saying is that they are sure it would be more amenable if it were blacktopped."

Commissioner Willner said, "It would be easier to get along with."

Mr. Morley said, "I agree with you; I don't disagree with you at all."

Commissioner Cox said, "But he's bringing up a very important point here. These people that have more or less fallen through the cracks in the past -- now he wants to do this. Now what do we do? Do we waive the subdivision requirements? That is what we'd have to do."

Mr. Morley said, "Even for the 18 ft. we'd have to have a waiver and they are suggesting asphalt, which I don't disagree with. I guess the question is, "As long as he puts it on the plat and has it on the contract and what he does is done to the thickness that the county asked for, can he go ahead and prepare a plat for five (5) lots and add 18 ft. wide paved section....."

Commissioner Cox asked, "And still to be privately maintained?"

Commissioner Willner said, "Yes -- no problem with that at all."

Ms. Cunningham said, "If some day we have to take it and they have to bring it up to county standards, then there is no problem if it is approved by the Commissioners (it doesn't have to be accepted by the Commissioners -- but if it is approved by the Commissioners) then we don't care about the maintaining -- she doesn't think. But she doesn't want to do it unless they have the 40 ft. right-of-way or 50 ft. right-of-way for street -- I want to have that...."

Commissioner Borries said, "I don't think we have any reason to do that and I think the very fact that he is up here asking for some kind of guidance -- we should say that it needs to conform to county standards."

Commissioner Willner said, "We're going to ask him to do it all the way out to Darmstadt Rd. The regulations say that if he extends it more than three (3) lots, he has to take it all the way out."

Commissioner Cox said, "Those people aren't going to like that."

Mr. Easley asked, "You have suggested and they have agreed that 18 ft. of travel way is adequate?"

Mr. Morley said, "That is what the existing rock is. We don't have anything set out for these things that go long distances --"

Commissioner Willner said "We don't maintain them so we don't tell them what to do. But there is enough right-of-way?"

Mr. Morley said, "Oh yes -- 50 ft. of right-of-way. If they want to widen this out at some time and your standards are 30 ft., they can widen it out and come in and say it is ready to accept - and then the Commissioners could do it. But at this point in time they want a sign there "Private Drive".

Mrs. Cunningham said, "Private or public, they would still have to either put the improvements in and be approved or have financial security to make sure....."

Mr. Easley asked, "Could this ever be extended to a 3rd Phase?"

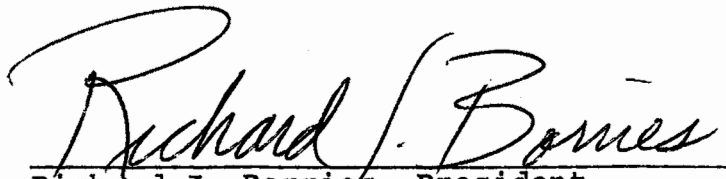
Mr. Morley said he doesn't know. The waiver they are talking about is -- they don't want to have to put the curbs on; they don't want to put sidewalks on it and they don't want to make it 24 ft. wide -- they just want it 18 ft. wide. He will formally request that Right now, he is just seeking guidance.

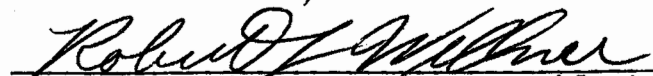
Commissioner Borries asked if it already comes out on Darmstadt Rd.?


Mr. Morley said that it does. His extension is back in the woods.

The Chair entertained further matters of business. There being none, President Borries declared the meeting adjourned at 4:50 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>EUTS</u>
	Bill Bethel	Andy Easley	Rose Zigenfus
	<u>AREA PLAN</u>	<u>SHERIFF</u>	<u>BLDG. COMMISSION</u>
	B. Cunningham	C. Shepard	Roger Lehman
	<u>OTHER</u>		
	Susan Cox/Albion Fellows Bacon Center Katheryn Mayes/Poor Relief Applicant Mary Hart/Pigeon Trustee's Office Donna Jones/Pigeon Trustee's Office Jim Morley/Morley & Associates News Media		
<u>SECRETARY:</u>	Joanne A. Matthews		


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 20, 1987

The Vanderburgh County Board of Commissioners met in session at 7:30 p.m. on Monday, April 20, 1987 in the Commissioners Hearing Room, with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of the previous meeting.

Motion was made by Commissioner Willner that the minutes of the meeting held on Monday, April 13th, be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

It was announced by President Borries that the Board of Commissioners met in Executive Session at 5:00 p.m. today for the purpose of receiving information concerning several matters of litigation and also strategy as per County Attorney in relation to those suits. That meeting was held and he wants to acknowledge it at this time for the record.

RE: REZONING PETITIONS

Since there were several persons in the audience, President Borries said he will announce those Rezoning Petitions which have been continued so that any persons who are here who wish to speak in behalf of or remonstrate concerning some of the 3rd Readings will know that they have been continued. Continued items are:

- VC-27-86 - Edward Will. Et al (Withdrawn)
- VC-3-87 - Harvey Klenck (Continued to May 18, 1987)
- VC-5-87 - Jeffrey S. Kempf (Continued to May 18, 1987)

Item #8 on the agenda (Application for Driveway Permit/Hermus A. Lewis) has been continued to May 11, 1987.

RE: AUTHORIZATION TO OPEN BIDS RE HILLCREST-WASHINGTON HOME

President Borries said that subject to the Commission's approval, proposals will be opened concerning management of Hillcrest-Washington Children's Home. Once this is done, the Board will take the matter under advisement this evening and a meeting has been scheduled for Thursday, April 23rd, at 2:30 p.m. in Room 303. This will be a joint meeting with the Vanderburgh County Council re the Hillcrest-Washington Children's Home and other business. They will have this evening and the next two days to read through these proposals. He would ask that the Commission be prepared, of course, to answer any questions and also to consider a vote at that time for management proposal. Once these materials are opened they will also be made available to the Vanderburgh County Council for their review and any questions they might have at the April 23rd meeting.

The Chair proceeded by entertaining a motion to authorize County Attorney Curt John to open the proposals and announce at this time whether said proposals meet the specifications published by Vanderburgh County and to read the names of subject proposals into the record. It was noted that four (4) proposals had been received.

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

RE: REZONING PETITIONS

The Chair said there are several rezonings to be considered on 1st Reading this evening. These matters are introduced as a formality at the Vanderburgh County Commission for their record. The Commissioners comments can be made or their questions answered at this time. They are subsequently forwarded to the Area Plan Commission. The APC will meet May 6th for their monthly meeting and action upon said petitions (2nd Reading). They will then return to the County Commission for final or 3rd Reading on May 18th.

VC-6-87/Petitioner, Colonial Garden Center: Common address of property is 8001 Lincoln Avenue. Current zoning is C-4 and requested zoning is R-1. The property is currently vacant and proposed use is for single-family residential subdivision.

The Chair asked if anyone is present who wishes to speak to this rezoning? There was no response. The Chair then asked if any remonstrants are present? There was no response. The Chair then asked for comments from the Commission.

In response to query from Commissioner Borries, Ms. Beverly Behme of the Area Plan Commission stated that this is a court-ordered settlement of a subdivision. It is at the instruction of the Superior Court that the petitioner is requesting the down zoning of 6.67 acres from C-4 to R-1 to develop a single family residential subdivision (Geengate Court). Single family residences are not an allowable use in a C-4 zone.

President Borries said that for the record, Ms. Behme's explanation entered into the record refers to a subdivision that this Commission heard last year. There were about ten (10) conditions in the court record and this down zoning was one of them.

Motion to approve VC-6-87 on First Reading and forward to Area Plan Commission was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

VC-7-87/Petitioner, Robert Brenner: Common known address is 9225 Hedden Rd. Property is currently zoned Agricultural and requested zoning is M-1. Property is currently used for office and fabrication of aluminum windows. Petitioner proposed to develop an industrial subdivision. A non-commercial zoning use permit was obtained in 1982 for construction of a workshop and building to store agriculture equipment.

The Chair asked if anyone is present who wishes to speak concerning this rezoning? There was no response.

The Chair then asked if anyone wishes to remonstrate concerning this petition? There was no response. A motion was entertained.

Motion was made by Commissioner Willner that VC-7-87 be approved on First Reading and forwarded to Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-8-87/ Petitioner, John S. McCullough: Common known address of subject property is 11911 N. Green River Rd. Petitioner is seeking change from Agricultural to C-4 zoning. Land is currently vacant and the proposed use is possible garden center. Property is on the east side of N. Green River Rd. at the northeast corner of the intersection of Boonville-New Harmony and N. Green River Rd.

In response to query from Commissioner Cox. Ms. Behme of Area Plan said EUTS has not had an opportunity to write their report yet, but it will be available prior to the APC meeting.

Commissioner Borries queried Ms. Behme concerning the correct name of the owner (Fehn). Ms. Behme confirmed that this is correct. Commissioner Borries said he was unaware of the C-4 zoning immediately south of the subject property and, as pointed out by Commissioner Cox, the reason he had a question on this was that we have undertaken plans to relocate a portion of Boonville-New Harmony Rd. as it would connect with the I-164 project. He thought the "Fehds" were affected property owners, but it was confirmed that they are further back. The Chair asked if anyone is present who wishes to speak to this rezoning? There was no response. The Chair asked if there is anyone present who wishes to remonstrate concerning VC-8-87? There was no response. The Chair entertained a motion.

Motion was made by Commissioner Willner that VC-7-87 be approved on First Reading and forwarded to Area Plan Commission, with a second from Commissioner Cox. So ordered.

VC-9-87/Petitioner, Thomas Duncan: Common known address of subject property is 5701 Oak Hill Rd. Land is currently zoned Agricultural and R-1 and requests rezoning of 81.01 acres to P.U.D. Current land use is one single family residence and vacant farm land and proposed land use is P.U.D (commercial, single-family & condominiums).

Commissioner Cox noted that the petitioner is requesting that almost seven (7) acres be commercial and two and a half (2-1/2) acres commercial-medical along Oak Hill Rd.

Commissioner Borries addressed Ms. Behme and asked if Area Plan or the Board of Commissioners could at some time change the make-up of this P.U.D. subject to approval -- is that correct? There can be some changes.....

Ms. Behme said there can be very minor changes once it is approved. When they come back for their Site Development Plan, the APC has jurisdiction.

Commissioner Borries asked, "But, subject to approval, there can be some changes made in that?"

Ms Behme responded, "Absolutely, yes."

The Chair asked if anyone is present who wishes to speak regarding VC-9-87? There was no response. The Chair then asked if there is anyone who wishes to remonstrate concerning VC-9-87? There was no response. The Chair entertained a motion.

Motion was made by Commissioner Willner that VC-9-87 be approved on First Reading and forwarded to APC, with a second from Commissioner Cox. So ordered.

VC-10-87/Petitioner, W. C. Bussing, Jr.: Common known address is 1701 Waterworks Rd. Owner of subject property is Evansville Materials. Present zoning is W-1 (Waterfront Industrial) and requested change is to P.U.D. The land is currently vacant and proposed use is a P.U.D. (Planned Unit Development/residential use). Commissioner Borries asked why they are going for a P.U.D.? Is it zero lot lines?

Ms. Behme responded that this is correct.

President Borries said that because of the kind of housing that has been proposed, they have chosen a P.U.D. Area Plan would then scrutinize very carefully each stage of this development. The Chair then asked if anyone is present to speak concerning this petition? There was no response. The Chair then asked if there is anyone to remonstrate concerning VC-20-87? Again, there was no response.

Commissioner Cox said she notes this proposed development is within the 100-year flood plain. The Staff Field Report does indicate that City water is available. Is sanitary sewer available in that area? They certainly couldn't have septic tanks out there. Ms. Behme confirmed that 8 inch sanitary sewer line is available.

Commissioner Borries commented that this one is about as close to Kentucky as you can get. The Chair entertained a motion.

Motion was made by Commissioner Willner that VC-10-87 be approved on First Reading and forwarded to Area Plan, with a second from Commissioner Cox. So ordered.

RE: PROPOSALS RE HILLCREST-WASHINGTON CHILDREN'S HOME

President Borries asked whether County Attorney Curt John has finished studying the proposals?

Attorney John said, as mentioned by Commissioner Borries, the Board will be taking the proposals under advisement. He has, however, opened the four (4) proposals. In his opinion they met the specs. He does have a question regarding the proposal from Res-Care Health Services, Inc., 862-A S. Green River Rd., Evansville IN 47715 and that is whether they would meet the bid bond requirements. There is a copy of an existing bid bond in Kentucky and he is not certain it meets the requirement of the proposal as advertised. The second proposal on which he has a question is that of Evansville Rescue Mission, Inc. He finds several things lacking. He is not certain whether he has opened the correct proposal. As the Board is aware, they each submitted fifteen (15) copies of their proposal. He has opened two copies and does not find some of the necessary requirements included, including the Non-Collusion Affidavit as well as the Bid Bond. The third proposal was from Children & Family Services, Inc. (Vincennes, IN). Non-Collusion Affidavit and Bid Bond, as well as pertinent signatures have been included. The fourth proposal was from Southwestern Indiana Mental Health Center -- and he believes they have met the requirements, with the exception that they submitted a check as their Bid Bond and he has not compared that with the percentage requirement. He would assume, however, that it meets the requirement. These were the only four proposals received.

Commissioner Borries said that for purposes of clarification with regard to the Children & Family Services, Inc., there is an agency with that name in Vanderburgh County.

Mr. John reiterated that this is from Vincennes, IN (Knox County).

Continuing, Attorney John said President Borries may want to determine whether someone from the Evansville Rescue Mission is here. They may have included the aforementioned missing items in one of their other sealed proposal envelopes.

The Chair asked whether anyone from Evansville Rescue Mission is present? There was no response. For the record, he said that in order to make sure that we had sufficient copies available for the Commission and Council, interested parties provided several copies of their proposal. What Attorney John has pointed out is that there might have been a problem wherein the wrong copy was opened. If Attorney John wants to examine the proposals further and look at the specs, with the comments he has noted, he will come back to him at another point in the agenda.

Attorney John indicated he will review the proposals further.

Commissioner Borries said it is a matter of public record now. None of the copies have been opened -- everything has been sealed until such time as names of parties who had submitted proposals

was announced in this meeting. Attorney John will check to be sure correct copies were opened. These proposals are now a matter of public record and copies will be given to the Commission and County Council for their review. If there is public interest, certainly the public should attend the 2:30 p.m. meeting in Room 303 on Thursday, April 23rd. The Commissioners would ask questions and County Council would ask questions concerning funding. It would be his hope then that if questions are answered satisfactorily, then a decision could be reached at that meeting concerning awarding the contract. If County Council has questions re funding, they might be able to reach a decision concerning funding at that time.

RE: REZONING PETITIONS

President Borries said several Third Readings have either been continued or withdrawn, which should shorten tonight's agenda considerably.

VC-4-87/Petitioner, William A. Hamilton: Location of subject property is 14901 U. S. Highway 41 North. Petitioner is requesting change from Agricultural to M-1. Land is currently used for farming and proposed use is equipment sales. The rezoning concerns some 2-1/2 acres.

The Chair asked if anyone is present to speak concerning this petition?

Mr. Carl Brooks was recognized by the Chair and approached the podium. He said Mr. Hamilton is out of town tonight and he is here to represent Mr. Hamilton, who has briefed him on his plans. He will be glad to answer any questions the Commissioners might have. He brought the required plans with him tonight for entrance and exit as set forth during the APC meeting.

Commissioner Borries asked if he is talking about what the State Highway says is some concerns expressed to them? Is that correct?

Mr. Brooks said that is correct.

Commissioner Borries queried Mr. Brooks re the concerns.

Mr. Brooks said the 12-1/2 ft. wide present driveway is not in accordance with their highway curb cuts. They require 30 ft. wide curb cut. He then proceeded to show the plans to the Commissioners.

Commissioner Cox said that on the development plan it says proposed use of property is for "Equipment Sales". Is this going to be for display of equipment only or will there will be a building put up as an office building? Will there actually be selling in that area or is this simply a display and the retailing of this merchandise will be handled at another location?

Mr. Brooks said that as he understands it there will be no building, trailer or mobile home. The sales would take place at the property, probably in his home which is just up the drive. He believes he will end up with a small office in his home.

Mrs. Cox asked if Mr. Hamilton plans to apply for a Home Occupation Permit?

Mr. Brooks said he was afraid he was going to run into this problem. He cannot guarantee that he is going to transact the business in his home.

Commissioner Borries asked what kind of equipment will Mr. Hamilton sell, if he has no office or building structure from which to sell the equipment? Will this be new or used equipment? What kind of shelter or structure would there be?

Mr. Brooks said there will be no structure. He will be selling used farm equipment and possibly some industrial equipment...bulldozers or tractors, that sort of thing.

Commissioner Borries said, "I have a concern with that, because we've often referred to this as kind of a corridor for people coming into our city and our county. We're building a new airport just a few miles south of where this is. What kind of maintenance would be given to this equipment? What size equipment are we talking about?"

Mr. Brooks replied that as he indicated previously, the majority would be farm equipment which would be repurchased by Mr. Hamilton or some associates of his.

Commissioner Borries asked where Mr. Hamilton would refurbish this equipment?

Mr. Brooks said that as he understands it, another gentleman is involved in this who does the painting and any engine work that needs to be done prior to putting the equipment up for sale. Right now he is doing this out of his residence and he has expressed an interest in being able to display the equipment from that location. He understands the Commission's concern -- dragging stuff up there that doesn't run and leave it lay out there on the highway. But that is not his intention at all.

Commissioner Borries said, "I am sure it is not; yet, I would want to know what kind of equipment we are talking about. A lot of farm equipment is very large. It might extend past where the gravel area would be. I'm sure he would not want to have this turn into weeds and that sort of thing -- but those are always concerns. Again, what kind of equipment -- do you have any idea?"

Mr. Brooks responded, "Insofar as farm equipment, from what I understand it is mostly going to be tractors -- it wouldn't be anything extremely large like harvesters or anything of that nature that would over fill the area. He would probably have it set up to have six to ten pieces of equipment there at a time. Until he reduced his inventory, he wouldn't be bringing in more and more equipment."

Commissioner Cox said she feels very similar to Mr. Borries in that Highway 41 is one of the corridors leading into our city and we do have some nice looking developed areas out there that are of a manufacturing or industrial nature. There is a lot of green space. She noted the site plan had a gravel parking area. Is he just going to set the machines down on the soil that is out there now? Will they be sitting in dirt or mud when it rains? This is a big concern when you ask to rezone 2-1/2 acres. That isn't a whole lot, but her concern is that we don't even know what is going in here.

Mr. Brooks said that basically the area from the drive and the fenced in area that contains the equipment is going to be #53 gravel, with which he is familiar. Once that type of gravel is laid down and has been packed, it is about as close to concrete as you can get without actually pouring concrete. The equipment is not going to sit on the bare ground -- and there would be a new 6 ft. fence around it and four dusk to dawn lights. As he explained to Mr. Borries, in trying to make the sales, Mr. Hamilton's intention is to make the equipment look worthwhile. He doesn't want to destroy the looks of the highway there anymore than the other people who have rezoned and built along the highway. The property has been in his family for approximately 40 years.

President Borries thanked Mr. Brooks for his comments. He then asked if there are other persons who wish to speak or remonstrate in regard to their concerns relating to this proposal? There was no response. The Chair then entertained a motion.

Motion was made by Commissioner Willner that VC-4-87 be approved on Third Reading, with a second from Commissioner Cox.

The Chair then asked for a roll call vote: Commissioner Cox, no; Commissioner Willner, no; Commissioner Borries, no. President Borries said the motion has been denied.

RE: REQUEST FOR VACATION OF PORTION OF ST. JOE AVENUE

The Chair recognized Attorney Les Shively, who was representing the petitioners (Paul and Gloria Nalley) who were also in the audience. The Nalleys are petitioning to vacate a portion of St. Joe Avenue.

Attorney Shively said that the last time we were all together on this particular matter, Commissioner Willner had some very good questions regarding the location of this particular area -- whether it involved property that the county had purchased at the time St. Joe Avenue was expanded. He then referred the Commissioners to the location map included in the handout he had given them which shows St. Joe Avenue running all the way from Commercial Court well beyond Glenview Drive for some distance. He believes these planometric maps show about a three (3) mile area. The next page is the letter from SIGECO. There are no gas facilities. There are electric facilities and we can't affect those. Any vacation is subject to existing utilities.

The next page shows the area to be vacated.

Mr. Shively then showed photographs of the subject property. He said the bottom photo on the layout will show that there are four travel lanes currently, plus two turn blisters in this particular area. According to the County Highway Engineer, there are no plans for any future expansion. He also has the abstract of title with him, which the Commissioners or the County Attorney can examine. It shows that when the Nalleys' property was platted as subdivision where Glenview Drive is. The future plans for St. Joe Avenue are already in place and they respected those plans. They platted all the way back. That setback was already existing when that was platted, so the County did not have to buy right-of-way. So this is not right-of-way that the County purchased for St. Joe Avenue. When it was originally platted, they respected the setback for the future expansion of St. Joe Avenue, which has been completed. There are approximately six (6) lanes in that area, including turn lanes, so it does not have an effect on the County's future plans and it does not result in the County giving back any property that they previously purchased. He hopes this answers the Board's questions in this regard -- but he will be glad to answer any additional questions.

Commissioner Cox asked if Mr. Shively has a letter from the Water & Sewer Department with regard to utilities at this location?

Attorney Shively said that if there are sewer or water easements there, the vacation is subject to those easements; this vacation cannot affect those easements. The Nalleys will not be building on that particular area; they simply want to increase their lot size.

Commissioner Borries said he is confused as to who owns the property at this time. Does it belong to Vanderburgh County?

Attorney Shively said that really the property belongs to the owner on Lot #1 subject to the right-of-way setback. They can't do anything with it. It is land that was dedicated or set back because of the proposed St. Joe Extension. That land was platted many years ago. They can't use it for anything, although they will pay taxes on it. They own it in a sense, subject to the now existing perpetual easement in favor of the county.

Commissioner Cox asked if Mr. Shively has the tax code number and everything on that and does it actually show the Nalleys as owners? It was her understanding that the County needed a 45 ft. right-of-way and this subdivision was plotted in 90 ft. lots. In order to get the 45 ft. right-of-way, Vanderburgh County had to buy the entire 90 ft. lot, which means that the Nalleys don't own it at this time -- that Vanderburgh County would own it -- if that information is correct.

Attorney Shively said the tax code number is 311-3-131-1 (German Township).

Continuing, Mr. Shively said that anyone who lives in the City on Walnut Street owns to the center of Walnut Street subject to the City's right-of-way. That is exactly what this is. No taxes are paid on it, but you own to the center of the road or the right-of-way until such time as the City vacates its easement rights. The only thing that would happen as the result of this vacation is that any existing utility easements (electric, water, sewer, etc.) would remain in place. The only thing that would result is that they would now have an uninterrupted fee interest in that property subject to those utility easements, and it will be taxed accordingly.

Mrs. Cunningham of the APC said, "Right now they have the green without paying taxes."

Commissioner Borries said, "Well, they are not going to be able to build on it. I guess my question would be, 'Why do they want to do this then'?"

Attorney Shively said the Nalleys simply would like to have more area of property. They are both here this evening and they can explain what they want to do with it -- and that is to increase the size of their lot.

Mrs. Cunningham said, "But you cannot build unless you get a variance."

Attorney Shively said "We understand that."

Commissioner Willner asked, "What assurance do we have that they won't get a variance?"

Mrs. Cunningham said, "You don't have any assurance that they won't get a variance."

Commissioner Willner said, "Certainly not."

Attorney Shively said, "Commissioner Willner, I don't understand what the objection is, if the County is in a situation where the property is going to go back on the rolls and produce some tax dollars and there are no plans to widen St. Joe Avenue."

Commissioner Cox said, "I am confused on this. I was under the impression that -- you showed me Lot #1 -- they own all of that. That is what they bought. That is outside this right-of-way that we are talking about, so they never did buy this 45 ft. that we are talking about. Vanderburgh County bought the 45 ft."

Attorney Shively said, "With all due respect, Mrs. Cox, I think what happened was that when the developer came in there and owned this large tract of land, he was told to reserve "x" amount of land for the future expansion of St. Joe Avenue. That was "dedicated" right-of-way, not "paid for" right-of-way. The county never paid for it, they dedicated it to the county at the time the property was platted. This is something that frequently happens."

Commissioner Cox said, "I didn't understand it that way, Mr. Shively. Their lot never included this, so ultimately it is not an easement that they have given us off their property."

Attorney Shively pointed to the map and said, "What happened was that whoever owned this entire tract of land from designated points to designated point, they came before the Planning Commission and the Planning Commission said, 'Fine, we'll approve your plat, but we want you to leave this amount of footage because St. Joe Avenue may expand some day'. The County never paid for that."

Ms. Behme said it was dedicated to the county by way of recorded plat.

Commissioner Borries said, "I have a concern here (nothing against the Nalleys because I don't know them and can't say) that they are going to be gaining possession of land that they do not own and never paid for."

Attorney Shively said, "That is what happens in every vacation, Mr. Borries. There would be no reason for them to come before the Commissioners if they already owned the land. If you are unsure as to whether the property was dedicated or the county paid for it, I will work with Attorney John or whoever you want me to work with to verify that fact once and for all. I am satisfied with what I read in the abstract that that is what occurred. But I would be happy to provide that to you if you want to continue this to your next meeting or another public hearing so we can clarify that for you. I certainly understand your concern."

Commissioner Borries said, "My concern is also that I don't think we are denying the Nalleys any access to something that at this point they do not use -- so I cannot understand why there would be any reason to do this. I can't work through that particular portion. It is true that the County would have no plans at this time, but all things change. This Board will not be here forever and so you can't really make a determination for the future with that kind of situation. That is why I am trying to work through this idea, to understand and try to be respectful of the Nalleys' wishes, but try to understand the reasoning behind what we are doing here."

Commissioner Cox said, "It looks like this is now excess land that the county has, whether it was given to us or we bought it. So how do we deal with excess land? Can we just give it away? Or do we have to auction it off? What is the proper legal procedure re vacations?"

Attorney John said it is very common for any governmental entity when they own land to vacate if they do not have use for it and it is going to go back to the record owner.

Commissioner Cox said, "The record owner does not own it in the beginning. It is not part of their lot. That is what I asked."

Attorney John said "Ownership passes as the land is conveyed. Most deeds will say 'subject to any easements, right-of-ways, etc., and the purchaser is taking subject to that. Once that easement or right-of-way is vacated, it would go to the then owner of that property. He believes the reason the law reads that way is because many times it is a piece of land of a size that it wouldn't be conceivable to auction off, because the only possible bidder would be person who owns the fee to the remainder of the land."

Attorney Shively said Mr. Nalley said he and his wife would like to own this because they maintain it. They use it as part of their lawn and maintain it. If the County is concerned that they have within the past 10 to 15 years paid cash for that land, that would be a legitimate concern. He is satisfied by reading the chain of title that that is not what occurred. He would be happy to search other public documents, again along with the County Attorney, to satisfy the Board once and for all. But he thinks everyone benefits from this vacation -- the county benefits and

makes the property produce some taxes; the Nalleys acquire ownership in property they do not have. But any way the county wants to go -- he will be more than glad to accommodate them in any way and answer any additional questions.

The Chair entertained further questions. There were none. The Chair then asked if there were other persons who wished to speak concerning the matter of the vacation of a portion of St. Joe Avenue?

Mr. John Ashworth of 2424 Glenview Drive was recognized and approached the podium. He stated that his first concern is that will make a commercial corner there. Just north they have the same proposition. Mr. Ruff that owns the chain of stores owns a piece of rental property that is getting in pretty bad condition and he will have the same option there. More than 20 ft. off the back of his own lot is an easement. It has been there 20 years and that is better than having to come back up here in six months and saying he doesn't want that commercial. The guy who started the subdivision is the guy who donated the land -- it is not part of anybody's property. If they want to do that, they can take that 20 ft. easement on back to his lot if that is what they want to do. But that is going to be opening that up for a commercial corner -- and that will make a nice commercial corner -- with that 82 ft. lot plus the 45 ft. Two of the people next door are selling their home and are unconcerned about it; that is why they are not here. The man who owns Lots #3 (Mr. Deere) is in a nursing home. The lady across the street from him has not been out of the house for five (5) years, because she is incapacitated and can't get out. However, his next door neighbor, Mr. Russell, is here, also. Neither of them want a commercial corner on that lot.

The Chair entertained questions of Mr. Ashworth. Commissioner Borries asked, "Subject to this vacation, you think the Nalleys at some point might want to rezone the portion?"

Mr. Ashworth responded, "That's entirely possible. According to his information Lots #12 is an 82 ft. lot only."

Commissioner Cox asked Mr. Ashworth if he is on a sanitary sewer? Does it come down the front along St. Joe Avenue?

He responded that he is. It comes off St. Joe. The sewer runs right in back of his property. He lives on the south side of Glenview Drive and the storm sewer runs in back of him. It empties into the creek back there. The storm sewer runs parallel to the sanitary sewer and then runs right back to the creek, which is about two blocks down the street (back of Mr. Ruff's property).

The Chair entertained further questions of Mr. Ashworth. There were none.

The Chair then asked if anyone else wishes to speak?

Mr. Jim Myers was recognized by the Chair and approached the podium. He said he has property adjoining - and believes he is the only one who has property adjoining. First, with regard to the right-of-way, he doesn't believe this is legally right-of-way. He pointed to map to designated area. He said Bob Myers, who was the developer, had a lot there and no one outside of Bob Myers has owned that property to his knowledge. He thought it should be disposed of as an asset (like a truck would be at the county garage, or office equipment or whatever). Since we're not going to give it back to the previous owner, he thought it should be placed for auction, because he might be willing to bid on it.

Commissioner Borries asked, "You are saying you think it belongs to the original developer?"

Mr. Myers said today the land belongs to the county and has for quite a few years. He has some drainage problems. There is both a sanitary and a storm sewer, but as Mr. Ashworth said, every lot in the subdivision has a fence on an easement. He has taken his own fence down and put it back up a couple of times when he tapped into the sanitary sewers. He now has to get into the storm sewer to correct some drainage problems on his property and he is concerned about the 20 ft. easement in there. The last four times that the Telephone Company and SIGECO have gone in and serviced this area, they came to him to ask whether they could drive on his property and he let them. He would let them again except that he has some future plans re some other work he wants to do -- shrubbery, greenery, etc. The thing is that for 20 years there has been a 20 ft. easement there. The easements are the thing that concerns him because he has his home and a garage there and he has to get in there.

The Chair entertained questions of Mr. Myers. There were none and the Chair again called upon Attorney Shively.

Attorney Shively said that before this particular petition was filed, he met with the County Highway Engineer to verify the legal description and to verify what the county's intended use would be for the proposed development of St. Joe Avenue. He was informed that there was no future development and that is why they proceeded with this particular petition. The aspect of future zoning down the road he does not believe is at all relevant. Once again, that is zoning which the Board of Commissioners controls and he doesn't think that is relevant nor does he think it would be consistent with a residential subdivision, except for this particular lot. Maybe he wasn't clear on this point but as indicated before, the storm sewer easement, water, sewer, SIGECO -- any of those easements remain -- and they cannot do anything to interfere with the rights of those utilities to utilize their easements, not only for expansion of services, but for maintenance as well. The Nalleys have maintained this area for some time since they lived there. They simply want to add to their lot size subject to the utilities that do exist in this particular area. The net result will be that this particular tract of land which the county no longer needs will go back on the tax rolls and will produce tax dollars -- and from what he can read in the paper, every little avenue to find additional tax dollars seems to be something local government is interested in. An additional point (and he thinks Mr. Myers alluded to it) -- this is land that was not purchased by the county; it was land that was dedicated. This is something that a lot of times we ask people to do when they come before the Commissioners on a subdivision when they are going to expand an existing road or what have you. We have them reserve certain areas for roads on their plat. This is the same thing that happened in this particular case way back when it was platted. If the Commissioners still have questions, he would like to know specifically what those questions are, especially in terms of whether the county actually paid something for this property and get those questions answered for the Commissioners. The matter of utilities can be addressed (although this will have no effect on said utilities). But he'd rather have those questions answered rather than a vote be taken and the Commissioners not having their questions answered. In that respect, they will be more than happy to accommodate the Board.

Commissioner Borries asked for the feeling of the Commissioners.

Commissioner Willner said he probably thinks the county did not pay for this land and that it was dedicated. He has no problem with that. He has no problem with the Nalleys continuing to use the land with no charge to them for taxes. But if we ever want to install a turn lane or acceleration lane for some reason, we have enough property to do so. He is just not happy with the idea of giving it away.

The Chair asked whether the Commissioners want to delay the matter or take a vote?

Commissioner Cox said she is prepared to vote.

Commissioner Willner indicated he was prepared to vote and moved that the vacation be approved, with a second from Commissioner Cox.

The Chair asked for a roll call vote: Commissioner Cox, no; Commissioner Willner, no; Commissioner Borries, no. The Chair declared the request denied.

RE: REQUEST FOR VACATION OF PORTION OF SHORT SELZER RD.

Attorney Shively said the first page of handout to the Commissioners is an excerpt from the Vanderburgh County planometric maps and the reason he has included this is because these are developed from aerial photos of existing roads and existing structures. If the Commissioners look at the plat, they can see that they proposed to take Short Selzer Rd. and run all the way around designated gooseneck area. But it ended at another designated point. In fact, what occurred was that a designated area of Short Selzer Rd. was extended and becomes a private driveway to designated residence. What has actually happened is that Short Selzer Rd. was never developed according to the plans shown on the plat. What actually occurred was that it stopped short and then one of the previous or existing property owners extended it to designated point and made a private driveway from the end on back. He continued to show photos to the Board. He said that he understands it, a designated area was never developed. At another designated point, someone paved it and made it a private driveway to their house -- because it runs right into their house. What they are asking to vacate is (designated area), which is the only portion that their respective properties touch. As can be seen from the photographs, Short Selzer Rd. is not only short, it is narrow. There is not enough right-of-way to ever complete it the way it should be completed to county specs. And if it is not up to county specs he doesn't believe the county could maintain it. The other problem is the terrain. The terrain is very, very hilly. No properties are landlocked -- all the properties do have their own existing access. He will be glad to answer any questions the Commissioners might have.

The Chair asked if there are persons present who wish to speak regarding this matter?

Mr. Albert Becker was recognized by the Chair. He said Lot #5 has now been divided and it joins the back of the property in question (Lot #12). His thinking is that if they vacate (and he is not strictly against the vacation) -- but if they vacate that portion of the property from Selzer Rd. to the back of his property what is going to happen to prevent at some future date their deciding to split that property in half? He said they have to keep the right-of-way coming down through the property on Lot #5 so they can get access to the back end of the lot that they have vacated the road to. This is his concern.

Commissioner Cox requested that Mr. Becker approach the Commissioners' table. She said they are only requesting vacation from designated point on -- so Lot #5 would still have access. After lengthy discussion and comments concerning the vacation, it appeared that all questions were resolved and the Chair entertained a motion.

Commissioner Willner said he doesn't see any problem. They dedicated that to the county when they came and got this subdivision -- we didn't buy it -- and it belongs to the county.

The Chair entertained further questions from the Commissioners. There were none and a motion was entertained.

Motion was made by Commissioner Willner that the request be approved, with a second from Commissioner Cox. The Chair asked for a roll call vote: Commissioner Cox yes; Commissioner Willner, yes; Commissioner Borries, yes. The Chair declared the motion approved.

RE: REQUEST FOR DRIVEWAY PERMIT - HERMUS LEWIS

President Borries said that Item #8 has been continued to May 11th.

RE: PROPOSALS RE HILLCREST-WASHINGTON CHILDREN'S HOME

Attorney John returned to the meeting and said that the Commissioners requested that he check further on the bids. He said he should inform the Commissioners that the proposal, as submitted by the Evansville Rescue Mission, was based upon the Request for Bids passed out at a certain meeting (about four weeks ago). If the Commissioners will recall, there was an amendment made. At that time it was an informal request and had not been published. The informal request passed out did not call for the bid bond nor the non-collusion affidavit and that is what they based their proposal on, rather than the published request. Because of that misunderstanding, he believes this is why both items were not included in their proposal. He would imagine there would be a more detailed report at the next Commissioners meeting after a review of the proposals has been made. It is his understanding that the Commissioners will take these proposals under advisement until next week.

Commissioner Borries said there is a meeting scheduled for Thursday -- a joint meeting with Council.

Commissioner Cox said she wonders why they did not get the proper proposal?

Attorney John asked if the Board recalls the meeting where the initial request was passed out?

Mr. Lindenschmidt said they apparently picked up one of these requests.

Mrs. Cox said, "Well, apparently -- I think we need to find out --"

Attorney John said he he was referred to Roger Mason, who apparently drafted their proposal. He said he had read and re-read the Request for Bids as handed out to them at a specific meeting and he does know this version is the one passed out rather than the advertised version which calls for all the statutory requirements regarding the bidding. According to his statements over the telephone, he was not aware of the additional requirements -- the necessary bond and non-collusion affidavit. He merely had the handout given to him at the Commissioners Meeting.

Commissioner Cox asked if that is all that is missing?

Mr. John said they have a proposal and they quoted proposed charges and the proposal has been signed -- but the bid bond and non-collusion affidavit are not there. This is all subject to the Commissioners' review and they can take it from there.

Commissioner Borries said, personally speaking, it would not be his intent -- he would not want -- to penalize any group that had spent time sincerely trying to meet the requirements that we had asked for, through any mistake that might have been made. These things can get very complicated. We are dealing with a county facility and children and lots of players out here and decision

makers and it can get confusing. He would think that this proposal would be something that the County Council is going to consider if it is accepted tonight. He supposes we could bring this matter to the attention of the Council at the April 23rd meeting. He would not want to penalize anybody at this point -- what is the feeling of the other Commissioners? Could we inform this group by tomorrow to determine whether they could meet these requirements by April 23rd? To submit what they have not submitted? Can we do that?

Attorney John asked if Commissioner Borries is asking that they conform to the requirements after the proposals have been opened?

Commissioner Borries said that is correct.

Attorney John said he is not going to say at this time that that would be correct. But any bids are subject to rejection or approval -- so they can all be rejected and go from there. If we find one that is more sufficient, then the Board has the authority to approve it if it has met the requirements.

Commissioner Borries said that, again, for the record he would want to state that as advertised the bids did reflect what the County had asked for in its final form and the advertisement was published twice (April 3rd and April 10th) in the Evansville newspapers.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of the Weekly Work Report for Employees at the County Garage for period April 13th thru April 17, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Baseline and Petersburg Rd.

Patch Crew: Denzer Rd. and Nisbet Station Rd.

Graded & Rocked: Nuebling, Hilltop, Zimmerman, Motz Rd., Motz Lane, Day Rd., Gable Rd. and Staub Lane

Trash Crew: Lynn Rd., Pollack Ave., Kneer and Baseline

Rip-Rap: Felstead Rd.

Paved: Mesker Park Hill by Cemetery - 1 coat

Run Barricades - High Water

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew:

- Replaced culvert on Hornby and rip-rapped Fisher Rd.
- Repaired drain at 430 Wind Circle, North
- Replaced guard rail on Bender Rd. on Bridge #17
- Unstopped pipe on Koring Rd.
- Repaired guard rail on Felstead Rd.
- Repaired guard rail on Green River Rd.

Weekly Absentee Reports: Also submitted for the same period were the Absentee Reports for Employees at the County Garage and the Bridge Crew..... reports received and filed.

RE: PROPOSALS RE HILLCREST-WASHINGTON CHILDREN'S HOME

President Borries said that, for the record, the Board is still discussing the advertisement for proposals on Hillcrest-Washington Children's Home.

Mr. Lindenschmidt said the request was advertised twice and the secretary had been told to go to Purchasing to advertise what was approved.

Commissioner Willner said that is correct -- to advertise what the Commissioners approved.

Commissioners Borries and Cox stated that the verbiage added at the beginning of the advertisement is a requirement and is included on all bid advertisements released. Commissioner Borries asked, "Don't we use this on all requests for bids or proposals that are advertised in the local media? Commissioner Cox pointed out that in Item #4 it does say that"bids must specifically address each of the items provided in the request for bids. Failure to address each item may result in the rejection of the bid."

Commissioner Willner asked, "But we didn't approve that did we?"

Commissioner Cox said, "This is the general requirements. The Commissioners don't approve the general instructions, I don't think."

Commissioner Borries said, "I think we do as part of the Purchasing Department procedure, that is used with every advertisement that appears in the media that we would do, be it pertaining to roads or, at this point, management of a county facility."

Attorney John asked, "But it was not passed out at the meeting where this request for proposal was passed out? This was the legal ad which meets the statutory requirements and the bid form to be used etc. The first part mainly addressed what the Commissioners wanted them to bid on, and not necessarily the requirements of the bidding."

RE: COUNTY ENGINEER - ANDY EASLEY

Claim/HSM&M re "B" Street Underpass: Mr. Easley said he had presented copies of the following letter from Hayes, Seay, Mattern & Mattern to the Commissioners:

April 14 1987

Mr. R. Andrew Easley, Jr. P.E.
County Highway Engineer
Vanderburgh County Highway Department
Engineering Division
325 Administration Building
Civic Center Complex
Evansville IN 47708

Re: Design of "B" Street Underpass of
the CSX Railroad/County of Vanderburgh, IN
A&E Commission No. 2854

Dear Andy,

Enclosed is our billing from 28 February 1987 thru 31 March 1987 for the above referenced project. At this time we estimate to have completed 20 percent of the project.

In summary of the work completed, Warrick Engineering, Inc. has completed 90 percent of their field work and 90 percent of their research and drafting. In addition, our office has developed a typical section sheet preliminary vertical alignment for tracks and roadway, and a temporary detour for Broadway Avenue.

If there are any questions or comments, please do not hesitate to contact us.

Very truly yours,

HAYES, SEAY, MATTERN & MATTERN

J. Scott Hodge
Project Manager

Mr. Easley said the claim is in the amount of \$13,903.61. He has checked it and recommends that it be paid. As a matter of the status of what they are doing,, they have told him that they are running about a week late and they have promised him that they will mail eight (8) sets of the preliminary plans no later than April 24th (Friday of this week) via UPS. If the Commissioners wish to set a public hearing or meeting on that, they said we should be able to count on having those by no later than a week from today. One of the problems is a fiber optic cable that is subject to very strict handling. If the Commissioners are familiar with the fibre optics, you do not cut it and splice it -- and it is posing some construction problems. It has to be excavated and tenderly supported while they build the underpass. He said he believes they are telling the truth, because he learned about that when we met with the local Seaboard staff. They told him about the fibre optic cable that had recently been buried along the railroad track. (It's a telephone cable -- a communications facility. It's like one of these commercials - Sprint or something like that.

Commissioner Cox said the letter from HSM&M says that they are 20 percent completed. They are going to be able in ten (10) days to come up with the other 80 percent?

Mr. Easley said the preliminary is considered to be about 20 percent of the design work. He talked with them today.

Commissioner Cox asked if they will be prepared to be here for the public meeting?

Mr. Easley said that is one of the things he wants to ask the Board. Would they like for HSM&M to send a representative? He suggested that we look at the plans together -- and if the Commissioners have any questions we could have HSM&M give us the answer to -- he doesn't know whether they budgeted this in their project -- to come to the public hearing -- he doesn't recall. It may be some travel that they have not anticipated. We could ask them to come. He thinks the plans may be self-explanatory. He has been discussing this with them and he believes they told him that the last three houses on the south side of "B" Street would probably have some steps for access and a retaining wall and such things as that. Nonetheless, we should have the plans a week from today. Is the Board going to advertise the public hearing?

Commissioner Borries said he would like to advertise for that if the Commission approves doing so. Whatever fees we would have to work out -- but, certainly, he would hope that a firm this size would be able to help us via providing skilled personnel here at there expense and be able to answer questions the public may have on this. We'd have to select a public place in that area, I guess.

Commissioner Cox said there is the fire station -- that's a public building. Reitz High School is a public building -- no, it is School Corporation building.

Commissioner Borries said he would think that Reitz High School might be.....

Mrs. Cox said she feels sure the Howell Booster Club would offer that shelter house to the county at no charge for this meeting.

Commissioner Borries asked how the Commissioners feel about this?

Mrs. Cox said the city turned the shelter over to the Howell Booster Club; they take care of the rent, maintenance, etc.

Commissioner Borries said if it is the feeling of the Commission to have it at the Howell Booster Club Shelter House -- do we need to wait until April 24th to see if Andy has the preliminary design in hand? Mr. Easley said he believes the Board can go ahead and set the meeting date. He has said they will be mailed no later than April 24th.

President Borries asked Attorney John how many times we have to advertise to hold a public hearing on the "B" Street Underpass?

Attorney John said he thinks it is two times, but he can check.

Commissioner Borries said that is o.k. We usually advertise things twice in a consistent way.

Mr. Easley said he could help the secretary draft a notice.

Commissioner Borries said if we advertised them Friday, May 1st and Friday, May 8th, we could hold it the following week. He would think we could hold it on Wednesday May 13th or Thursday May 14th. Since that would not be a weekend, perhaps that would not hurt attendance or interfere with plans that have been made. We'd have to check the availability of that shelter house.

Commissioner Cox asked, "Why do we have to wait to advertise it?"

Commissioner Borries asked, "Andy, you're saying you'd have it...."

Mr. Easley said, "I expect to have it in the building a week from today."

Commissioner Borries said, "If we approved it today, they usually advertise them on Thursday or Friday. So if we advertised it this weekend.....we could do it the following week, if that is agreeable -- if you want to do it May 6th or 7th."

Mrs. Cox said, "I'd like to hold it as soon as we can."

Attorney John said, "Many of those advertising requirements call for two consecutive advertisements, the final action cannot be prior to ten (10) days after the last of the two -- so be careful there. And I'm not sure that fits in -- but in many of them it is like that."

Commissioner Borries said, "Then we would be into the following week."

Attorney John asked why we want to hold a public meeting?

Commissioner Cox said, "Because we said we were going to do this -- that's one reason."

Commissioner Willner said "Well, I think we ought to inform them, but...."

Mrs. Cox asked, "Well, how are you going to inform them except by way of a public meeting?"

Mr. Easley said, "You could through the news media -- pick an afternoon meeting -- and say that you were going to discuss it at 4:00 p.m. and give it wide publicity."

Mrs. Cox said, "Then let's do it just as soon as we can."

Mr. Easley said, "I trust these people; I think the plans will be here a week from today, because I told them we wanted to have this meeting and we have to count on what they are telling us."

Mrs. Cox asked, "So we could have it the 27th (we have a Drainage Meeting)? Or, how about May 4th?"

Commissioner Borries asked, "How about May 4th? That's usually a short meeting. If it is agreeable, we'll just ask the public to attend...."

Mr. Easley said, "We could try a Press Release -- and let everybody know that the plans are here if they want to examine them -- and I could have Mr. Gwinn...."

Commissioner Borries said, "You can call and request HSM&M to be here for the meeting and we'll hold it early in the agenda at the 2:30 meeting on May 4th. We'll just include it on the agenda."

Mr. Easley asked if the Commissioners suppose there will be people out there -- they could surely take off from work for an hour to come see these plans. They could see them at another time, because they will be in our office and I think we're going to have eight (8) sets.

Commissioner Borries said "If you'll just give us the acknowledgment early next week on April 27th that you have received those plans, we'll invite the public to come down and see them at any time. They should contact your office."

Claim/HSM&M: Mr. Easley asked if the Commissioners have approved the claim to HSM&M in the amount of \$13,903.61? Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Claim/Bernardin, Lochmueller & Assoc.: Mr. Easley presented claim in the amount of \$2,558.25 for design work on Boonville-New Harmony Road Extension Project for period February 1 thru March 31, 1987. The claim is in accordance with the agreement and it is his recommendation that the claim be paid. Motion to approve claim was made by Commissioner Willner with a second from Commissioner Cox. So ordered.

Mr. Easley said he thinks a month ago they told him they were about a month away from being able to come up with right-of-way drawings so we could appoint some right-of-way purchasing people.

Mrs. Cox asked, "We've done that, haven't we?"

Mr. Easley said, "You may have."

Mr. Easley asked, "I told you, didn't I, that I met with the Fehds concerning their written objections, wherein they had asked for a public hearing?"

Mrs. Cox responded, "Yes."

Claim/Bernardin, Lochmueller & Assoc.: Mr. Easley presented claim in the amount of \$4,434.35 for design work on Lynch Road Extension from Oak Hill Rd. to Burkhardt Rd. It is his recommendation that the claim be paid. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: STREET PLANS FOR MCCUTCHAN ESTATES I AND GREENBRIAR ESTATES III

Mr. Easley said he has street plans for McCutchan Estates I and Greenbriar Estates III, and he has just finished checking the plans (on which revisions were made). He has tried, at the Board's request, to provide them with the plans several days in advance.

Mrs. Cox asked, "Are these street acceptances?"

Mr. Easley said "No, no -- these are street design plans."

It was subsequently determined that the Commissioners have not yet had an opportunity to review the plans and approval will be deferred for one (1) week.

RE: ENGINEERING AGREEMENT - ORCHARD RD. BRIDGE

It was noted by Mr. Easley that he has two (2) copies of engineering agreement between Veach, Nicholson, Griggs Assoc. and the County concerning the Orchard Rd. Bridge Project. The agreement is in the amount of \$31,117.90. Rose Zigenfus was the lead on this and she is out of town, and Cliff Ong asked that he bring the agreement today for the Commissioners' approval. Mr. Easley said he has looked it over and thinks it follows the State guidelines. Although the State is not participating in this, it uses the State format.

Commissioner Willner asked, "But they are going to participate in road construction to the tune of 80%?"

Mr. Easley said, "Yes, that is right." Again, the total fee for the design of the bridge is not to exceed \$31,117.90, and that includes soil consultants in the amount of \$6,003.90, which is a not to exceed."

Mrs. Cox asked, "Is that included in the \$31,000 figure?"

Mr. Easley responded, "Yes, it is."

Mrs. Cox said that if we want to get this constructed this year the Board had better move on it. Doesn't Mr. Willner agree?

Commissioner Willner said, "Yes, I'd like to get it done this construction season."

Mr. Easley said he and Bill Veach were discussing that it would help the project if we could agree that a design speed on that road would be 30 miles per hour. It has some curves. If you would increase the design speed to 40 miles per hour, the clear zone requirements are substantial and the radius of the curves get larger and it also has some bad approaches. Thus he thinks that when we award this, we should agree with EUTS that we select the proper design speed and he doesn't think that 30 miles per hour would be.....there could be ice on the bridge and people shouldn't be approaching that bridge at a high speed. He asked the Commissioners for their opinion."

Commissioner Willner asked, "Are you saying that when they design the bridge they are going to have to design the roadway on each side?"

Mr. Easley said, "The approaches have to be designed and that is part of getting the Federal participation -- some 500 ft. on each side. I don't like to get you involved in minute, technical details, but this is not exactly a minute technical detail -- it really affects the scope of the project."

Commissioner Cox said, "I really think it needs to be considered, because anytime they put down new pavement or a new top on a road, they make an Indianapolis 500 out of the road anyway -- because they think it is so nice and smooth -- and I think it is a road that merits precautionary measures in driving, because it is narrow and winding -- so that is something to consider."

The Chair entertained a motion.

Motion was made by Commissioner Willner that the Commissioners execute the agreement so we can give notice to proceed, with a second from Commissioner Cox. So ordered.

Mr. Easley said since Rose Zigenfus is out of town this week, we can discuss the design speed next week.

RE: OLD BUSINESS

The Chair entertained matters of Old Business for discussion.

Willner Harmony Way & Tupman Rd. Speed Limit: Commissioner Cox said Commissioner Borries mentioned at the last meeting that he had received a letter from the Longs out on Harmony Way concerning the repairs made. She doesn't think we've ever had that new speed limit posted -- she didn't see it up when she was out there -- and we need to do an ordinance. Before we do that ordinance, she has some information to present to the Commissioners so they can do one ordinance covering a couple of items. She received a call from a very concerned gentleman that lives on Tupman Rd. Tupman Rd. is a small section of road off Upper Mt. Vernon Rd. just west of Red Bank Rd. and behind Tupman Cemetery. It is a highly residential area, and we repaved it last year. A new family moved in at the end of the lane up on the hill and they have a lot of traffic down that road and there are a lot of children out playing now. The Sheriff has been called and said that unless it is posted, it is 40 miles per hour -- and that is much too fast to be going down a residential street. Thus, she would like to request that this also be included in the ordinance and make that a 25 miles per hour speed limit. The other people who lived there creaked down the road -- but the new people who just moved in she guesses they are not that familiar with the situation and now that it is warm the children are playing outside. Really, she doesn't think people should be going 40 miles per hour in a residential area. So other than just the regular county 40 mile per hour speed limit, she thinks the lower speed limit should be posted.

Commissioner Willner asked, "What about 30 miles per hour?"

Mrs. Cox said, "Thirty (30) would be better than forty (40) -- but if you post it 30 they will go 35 anyway."

Commissioner Willner said, "We made it 30 mph on Harmony Way."

Mrs. Cox said, "Twenty-five (25 mph) -- you said it yourself. I have it all written down."

After further brief discussion, it was the consensus of opinion that the posted speed limit in both locations should be 30 miles per hour and that County Attorney John should draw up an ordinance to this effect for the Commissioners' approval.

The Chair entertained further matters of Old Business for discussion. There were none.

RE: SCHEDULED MEETINGS

April 20 - 23	10:00 a.m.	Instructional Mtgs. for Election Board Members
Mon. April 20	7:00 p.m.	"
Thurs. April 23	2:30 p.m.	Joint Meeting Room 301 re Hillcrest Home
Sat. April 25	10:00 a.m.	Groundbreaking for Airport Terminal
Wed. April 29	2:00 p.m.	County Council
Personnel		Committee (Room 303)
Wed. Finance	April 29	2:30 p.m. County Council Meeting
Mon. May 4	2:30 p.m.	Public Meeting re "B" Street Underpass

Thurs.	May	7	5:00 p.m.	Assoc. of Indiana Counties Mtg. at Holiday Inn/Vincennes
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RE: EMPLOYMENT CHANGES

Sheriff's Dept. (Appointments)

Timothy R. Eli Prob. Patrolman \$19,247/Yr. Eff: 4/23/87

Sheriff's Department (Releases)

Kent W. Walker Prob. Patrolman \$19,247/Yr. Eff: 4/22/87

Clerk of Circuit & Superior Courts (Appointments)

Helen Neisz Bond & Fine \$6.00/Hr. Eff: 4/13/87

Clerk of Circuit & Superior Courts (Releases)

Kim Doom Bond & Fine \$6.00/Hr. Eff: 4/13/87

Prosecutor (Appointments)

Dennis A. Vowells Dep. Prosecutor \$14,500/Hr. Eff: 4/20/87

Prosecutor (Releases)

Dennis A. Vowells Dep. Prosecutor \$23,000/Yr. Eff: 4/20/87

Election Office (Appointments)

Charlotte Shetler Dep. Clerk \$4.86/Hr. Eff: 4/13/87

Sylvia T. Loviscek Dep. Clerk \$4.85/Hr. Eff: 4/13/87

Doris Cato	Dep/ Clerk	\$4.85/Hr.	Eff: 4/20/87
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Burdette Park (Appointments)

Timothy Bell PTGC \$4.00/Hr. Eff: 4/2/87

Brenda Mitz	PTRG	\$4.00/Hr.	Eff: 4/18/87
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Charles Coleman	PTGC	\$4.35/Hr.	Eff: 4/20/87
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Burdette Park (Releases)

Nancy Buckman PTGC \$4.00/Hr. Eff: 2/23/87

Jeff Craft	PTGC	\$4.00/Hr.	Eff:	3/16/87
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Armstrong Township Assessor (Appointments)

Joyce Ann Kron P.T. Clerical \$35.00/Day Eff: 4/1/87

Vanderburgh Superior Court (Appointments)

Marilynn Hess Riding Bailiff \$16,308/Yr. Eff: 4/27/87

Vanderburgh Superior Court (Releases)

Tracey L. Statz Riding Bailiff \$16,308/Yr. Eff: 4/24/87

There being no further business to come before the Board,
President Borries declared the meeting adjourned at 10:15 p.m.

<u>P R E S E N T:</u>	<u>C O M M I S S I O N E R S</u>	<u>C O U N T Y A U D I T O R</u>	<u>C O U N T Y A T T O R N E Y</u>
	R. J. Borries	Cindy Mayo,	Curt John
	R. L. Willner	Chief Deputy	
	S. J. Cox		

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Esley

AREA PLAN

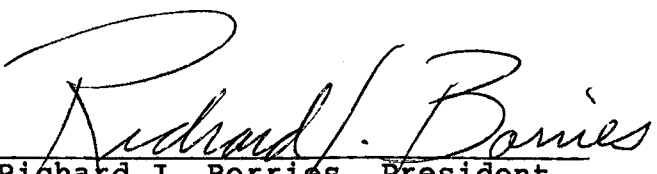
Beverly Behme

OTHER

Les Shively Attorney
Mr. & Mrs. Paul Nalley
Carl Brooks
John Ashworth
Jim Myers
Albert Becker
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 27, 1987

The Vanderburgh County Board of Commissioners met in session at 2:30 p.m. on Monday, April 27, 1986, in the Commissioners Hearing Room with President Rick Borries presiding.

The meeting was called to order by President Borries, who subsequently entertained a motion concerning approval of the minutes of the previous meeting. Mrs. Cox noted that on Page 20 it should read that she said Commissioner Willner received a letter from the Longs on Harmony Way, rather than Commissioner Borries.

Motion was made by Commissioner Willner that with that correction the minutes of meeting held on April 20th be approved as engrossed by the County Auditor and the reading of same be waived, with a second from Commissioner Cox. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

Larry Bushrod, 609 Blackford Avenue, Apt. B The Chair recognized Larry Bushrod, poor relief applicant, who stated he lives at 609 Blackford Avenue, Apartment B. He had applied to the Pigeon Township Trustee for rent assistance and the request had been denied. He said the reason for the denial was because his landlord, Larry Norman, has an assistant manager who runs the complex. The assistant's name is Jeffrey Perry. Mr. Perry's name was at the bottom of Mr. Bushrod's receipts rather than Mr. Norman's. The day before he (Mr. Bushrod) applied for assistance, Mr. Perry had applied for assistance with his rent. The Trustee said it looked like Jeffrey Perry was getting rent twice. Mr. Bushrod said Mr. Perry had no right to sign his rent receipts and he does have receipts with Mr. Norman's name on them. He said he is a month behind in his rent and he got a letter from Mr. Norman last night asking him to move out. He just has a temporary job with Health Skills and he guesses Mr. Norman isn't going to give him time to get his full check so he can pay his rent.

Attorney Miller queried Mr. Bushrod concerning his job. He stated he is working for Health Skills; it is a temporary job that will work its way into a full time job. In response to query from Attorney Miller as to the nature of his job, Mr. Bushrod said he has three people on his list today..He goes to their homes and runs errands for them and helps them straighten up their house. He reiterated he has a letter from Mr. Norman (which he received last night) asking him to move.

The Chair entertained further questions.

Commissioner Cox said she doesn't know whether she understands all of this or not -- and she may be a little confused. Do he and Jeffrey Perry rent the same apartment?

Mr. Bushrod said it is an apartment house with four units. He lives in an efficiency apartment in the back of the complex. Jeffrey Perry also lives in the same apartment complex in a front apartment. Mr. Bushrod said he has lived there for a year and has always had his rent paid up. He is behind now because he did not have a job.

Mrs. Cox asked, "Perry needed assistance and he went to the Trustee and he had the same address that you have?"

Mr. Bushrod said this is correct. Mr. Perry's rent receipt had Mr. Norman's name on it. His rent receipt had Perry's name on it, since he is the assistant manager.

The Chair entertained further questions. There were none. The Chair then recognized Bill Goff of the Pigeon Trustee's office. Mr. Goff said he is representing Mary Lancaster, the caseworker in this particular case. He said Mr. Bushrod came in to apply for rent assistance and the Trustee had already paid Mr. Perry's rent and they refused to pay Mr. Bushrod's rent, because it looked like a sub-lease effect. That was the initial impact, so they refused him assistance on those grounds. They also refused him because he had not signed up for the food stamp program, which is state statute (you must be signed up for it; it doesn't say you have to receive it, it says you must at least be signed up for it). Mr. Norman, who is apparently the owner of the property, came in last Friday and he gave the Trustee's office a receipt from Mr. Bushrod dated March 1st and the rent apparently runs from March 1 to March 31 -- where he had paid \$90.00 and he still had \$10.00 due. For all practical purposes, according to the rent receipt he is not 30 days in arrears yet and the Trustee does not pay any rent until they are 30 days in arrears. He also apparently left the Trustee the same note that he sent Mr. Bushrod with regards to wanting him to vacate the premises by April 24th.

Attorney Miller asked if the note says why he wants Mr. Bushrod to vacate the premises?

Mr. Goff gave Attorney Miller the note, and he read, as follows:

"Due to non-payment of rent for the month of December, 1986, I see there is no alternative but for me as your landlord to give you until 4/24/87 to vacate the premises. If further action has to be taken you will hear from my attorney. If you can come up with the money in full for March by April 4, 1987, then other arrangements can be made. I will not tolerate tenants with non-payment of rent. \$5.00 per day late charges for every day rent is past due. This is your last warning.

Larry Norman"

Attorney Miller said that apparently Mr. Norman is claiming the rent got past due last December and never got caught up.

Mr. Goff showed Attorney Miller another rent receipt for \$90.00, which left \$10.00 due. He again said the Trustee's guidelines state that rent must be 30 days in arrears.

Mrs. Cox said Mr. Norman's letter indicates that Mr. Bushrod is behind in his rent.

Attorney Miller said the letter indicates that he got behind in December of 1986 and he has been running consistently behind. But Mr. Bushrod has a receipt. It appears Mr. Norman is causing Mr. Bushrod the big problem, because he has an inconsistency between his orders to leave the premises and the receipt that he gave to Mr. Bushrod when he paid rent in March. On his receipt, it said from March 1 to March 31 \$10.00 still due (because he gave him \$90.00 rather than \$100.00, and the rent is \$100.00 per month). So Mr. Bushrod has a rent receipt that shows March rent paid except for \$10.00 short. And the notice Mr. Norman gave Mr. Bushrod is saying his rent is really more than 30 days past due. So there is an inconsistency. He asked Mr. Bushrod when he began work for Health Skills?

Mr. Bushrod said he started work last Thursday and he will get his first pay check on May 8th -- his first money from that job. He makes \$3.50 per hour.

Attorney Miller asked if Mr. Bushrod was signed up for the food stamp program in the past?

Mr. Goff said he was not signed up as of last Friday -- he doesn't know about today.

Attorney Miller asked Mr. Bushrod if he is signed up now? Mr. Bushrod responded in the affirmative.

Attorney Miller said he has to advise the Commission that since there has been assistance given to Mr. Bushrod to this point in time and he has now done what we had hoped he would do all along and that is, hope he would find employment for himself -- it is going to take Mr. Norman a reasonable period of time to take any moves to evict Mr. Bushrod or make him move. He can't just come there and change the locks and put him out. He has to get a court order.

Mr. Goff said, "It has been done before."

Attorney Miller said, "If he does, he is breaking the law. I can't say that he can't. I don't know Mr. Norman or how he operates."

Mr. Goff asked, "What if, in fact, we pay the rent and he doesn't accept it? He has indicated to us that he is going to make him move. If we pay the rent to him and he doesn't accept it, where does that leave Mr. Bushrod??"

Mr. Bushrod said, "He is trying to get me out of there anyway, because he is re-doing the apartments. Every time somebody moves, he redoes an apartment and raises the rent."

Attorney Miller said, "I'd say you'd better find someplace else to live because it sounds like you're going to have to move anyway."

Commissioner Borries said, "Mr. Bushrod, as a suggestion, the only thing I can say you could do -- it seems to me there is some confusion (as you pointed out) about how much you have paid and how far behind you are. The Trustee has to go by guidelines that have been adopted by that Board. I would say that there seems to be some confusion as to how far behind you are and it would seem to me that you have a right to ask Mr. Norman how far behind you are and to get some clarification on these bills. Then maybe you could go back and talk with the Trustee at that time. In any case, it appears you would have to be 30 days behind in your rent. But I think there is some real confusion concerning how much you owe him -- if he is talking one time of December and then it is \$20.00 and -- did you pay in February? Did you pay in January?"

Mr. Bushrod said he paid in January and in February, as well. It was subsequently noted that he paid \$55.00 one time and \$50.00 another time.

Commissioner Cox said, "He can't be current paying \$50.00 at one time and \$55.00 at another....."

Mr. Bushrod said he is all of this month behind and \$10.00 past due on another month.

Commissioner Cox said, "My concern is that this coming Thursday he is going to be hit for another \$100.00 and he doesn't get a paycheck until May 8th -- and the young man is out working and trying to....."

Mr. Goff said he would think that Mr. Bushrod is \$110.00 in arrears.....

The Commissioners spent several minutes reviewing Mr. Bushrod's receipts. Mrs. Cox said, "They don't do his receipts right." (She read the January and February receipts, their amounts and the period of rent covered according to the receipt.)

Mr. Goff said he won't be 30 days in arrears until the end of April.

Commissioner Willner said, "Then he could talk to you again."

Mr. Goff said, "There wouldn't be any problem then, if he is on the food stamp program."

It was the consensus of the Board that Mr. Bushrod should ask Mr. Norman for a reconciliation concerning his rent. Commissioner Borries said it would seem that it would be Mr. Bushrod's right to go back either to Mr. Perry or Mr. Norman and ask for an accounting as to exactly how far behind he is in his rent. If he has been placed on the food stamp program, he might want to talk to the Trustee at that point (if he intends to stay at the Blackford Avenue address after April 30th) -- it seems this would be the best approach -- and maybe the matter could be resolved. In any case, he should receive from Norman or Perry a clear accounting of how much money he has paid in for rent, because the records are very, very confusing and it is hard to determine how much he has paid and how much he owes. Some receipts seem to duplicate -- they talk about \$10.00 and then another \$5.00. He believes the landlord owes it to him to give him a clear accounting of what is owed. Then he can come back and talk to the Trustee. If he has any questions, he may want to talk to Mr. Goff further concerning his suggestions at that point in time -- and whether he is eligible for assistance.

President Borries asked that the matter be continued.

RE: REQUEST FOR WAIVER OF SIDEWALKS IN AUDUBON ESTATES SUB

The Chair recognized Aaron Biggerstaff, who said he represents Bud Bussing, the developer, who cannot be present today.. They are requesting waiver of sidewalks in Audubon Estates Subdivision. Mr. Bussing stated that he, personally, has nothing against sidewalks. But in Eastland Estates (Sections B & C) all of the sidewalks have been waived. In the future, he is sure Mr. Bussing would be willing to go along with sidewalks -- but aesthetically with this subdivision, it just wouldn't be conducive to the planning. He does not believe there are any sidewalks in the area period. Since this subdivision has been going on for eight or nine years (when the first section was planned)-- he would like to get in on the ground floor. The sidewalks in this area would go nowhere in their opinion and he would like to have them waived. He is not trying to get around the rules and in the future when he does start a subdivision, if sidewalks are necessary, that is fine with him. But there are no sidewalks in this area and he is requesting a waiver.

Commissioner Cox asked, "Mr. Biggerstaff, in the extension of Covert Avenue, it will include having sidewalks along Covert, won't it?"

Mr. Biggerstaff said, "I believe so."

Commissioner Willner said, "That will be the back of the homes on Covert, won't it?"

Commissioner Borries said he hasn't seen any constructed along there. He doesn't think there are any constructed in that area at this time.

Commissioner Cox asked, "And this sub has no outlet on Covert, right?"

Mr. Biggerstaff said there will be no egress/ingress off Covert Avenue at all.

After brief discussion, motion was made by Commissioner Willner that the request be approved if, in fact, they close the Plaza exit onto Covert Avenue. He wants to make one of the lots bigger -- either Lot #9 or Lot #10 -- and then that closes it forever.

Commissioner Borries said that because of the size of the lots and where it is in relation to the City, if there is a street that is going to open on Covert, we are going to require that a portion (probably one side of Plaza Drive) have sidewalks along those lots..

Because Mr. Biggerstaff could not answer all the questions raised by the Commissioners and because the Commission would like some clarification in writing, it was subsequently determined that this matter will be taken under advisement for one (1) week.

Commissioner Cox noted that the Staff Field Report says he agreed to deceleration and acceleration lanes in the area of Covert and Plaza Drive. That means that this is probably going to carry a lot of traffic in and out of this entire area and it most likely would need sidewalks in designated areas.

Commissioner Borries said that Plaza Drive may be a connector of which the Commissioners are unaware and that is why some clarification is needed.

RE: REQUEST FOR WAIVER OF CURBS, GUTTERS & SIDEWALKS IN
JONOTHON ESTATES SUB

Mr. William Bivins was recognized by the Chair and stated he is present to request waiver of curbs, gutters and sidewalks in Jonothon Estates Subdivision.

Commissioner Cox asked why Mr. Bivins is requesting waiver of curbs and gutters?

Mr. Bivins said he does not own any land adjacent to the subdivision and has no plans to extend it.

Commissioner Borries said he hasn't seen this subdivision. He doesn't think it will be a problem to waive the sidewalks because of the large lots. However, the Board does have some concerns -- they do not know what type of material he has on the road nor the type of shoulders. The way the ordinance reads now they are requiring rolled curb and gutter. Mr. Bivins has not constructed the road at this time, has he? The Board needs to know these things in terms of knowing how much shoulder there would be, what the road right-of-way would be and the width of the road.

Commissioner Cox said she, personally, has a lot of reservations about waiving curbs and gutters, unless there are any real severe drainage problems out there.

In response to query from Commissioner Willner as to whether the drainage plan for Jonothon Estates has been approved, Ms. Behme said the drainage plan is on the agenda for today's Drainage Board Meeting.

Commissioner Willner said Mr. Bivins will have to have an earthen ditch if he doesn't have curbs and gutters. Is he planning to have an earthen ditch? Mr. Bivins responded in the affirmative.

Commissioner Cox said she thinks that when they look at the drainage plan they look at it to comply with the ordinance -- and the ordinance requires rolled curbs and gutters.

Commissioner Borries asked if the street will be concrete or asphalt?

Mr. Bivins said it will be asphalt.

Commissioner Borries said he doesn't feel the Board should consider this request for waiver until they have seen the drainage plan. It seems we are putting the cart before the horse. He has no problems with the request for waiver of sidewalks, but he does with regard to waiver of curbs and

gutters. We're at a point where we have these ordinance and we've had some controversies generated and the way those seem to be is that the Board find out about them after the fact. He just doesn't feel he has enough information at this time to make an intelligent decision. He'd like to see how those shoulders are plan would work and if that is done, then he certainly would consider a waiver -- but he would need additional information on gutters. He asked if Mr. Bivins would want a motion on waiver of sidewalks only?

Mr. Bivins responded in the affirmative.

Motion was made by Commissioner Cox that the request for waiver of sidewalks in Jonothon Estates be approved, with a second from Commissioner Willner. So ordered.

RE: REQUEST FOR WAIVER OF CURBS, GUTTERS & SIDEWALKS IN BROWNING ESTATES

The Chair recognized Mr. Fred Kuester, who said he was present to request waiver of curbs gutters and sidewalks in Browning Estates Sub, which is owned by Mr. Bill Wedeking, Jr. Due to the size of the lots and the area in which the sub is located, they are requesting waiver of sidewalks. None of the immediate vicinity has sidewalks.

Commissioner Willner said the Board has no problems with waiver of sidewalks, and thus he would move that the request for waiver of sidewalks in Browning Estates be approved. Commissioner Cox provided a second to the motion. So ordered.

With request to waiver of curbs and gutters, Mr. Wedeking said they had made arrangements on their plans showing the side ditch to be rip-rapped (this is the shaded area) to prevent erosion.

Commissioner Willner queried Mr. Kuester concerning the length of the side ditches.

Mr. Kuester said they have one that is almost 400 ft. long and 7 ft. wide.

Commissioner Borries asked if they have received drainage plan approval?

Mr. Kuester said approval of the drainage plan is on the agenda for today's Drainage Board Meeting.

It was the consensus of the Board that the request for waiver of curbs and gutters should be deferred until such time as the drainage plans have been approved for the subdivision and proceed at that point.

Commissioner Willner commented, "One just has to go look at Pinegate and Redgate Road to find that the drainage system does work. This is matching another portion of the subdivision and he for one, would move that the request for waiver of curbs and gutters be approved. There is one thing with the drainage system that is going to have to be addressed. When a subdivision comes in piecemeal, Section A, Section B, etc., at a time, sometimes you don't look at the overall drainage plan and somewhere down the line we've going to have to have some retention for this subdivision. That is three times more important than rolled curbs and gutters, in my opinion. This all goes down into Hillsdale and down into a creek with which we've always had problems and we're going to continue to have them, as more building occurs we're going to have more problems. That is the thing that we should address. Again, rolled and curbs and gutters are going to do nothing. These are big lots, they are engineered right, they are rip-rapped in appropriate places insofar as the wear and tear is concerned."

Commissioner Cox said, "The thing I see that rolled curbs and gutters can do is to protect the road and we have had some problems. You all will remember that when I came on the Commission Browning Estates came in for acceptance (I can't remember which section) and there were some problems out there. There was some cracking and alligator marks and washouts and this had to be taken care of before we could accept the roads. Am I not right, Mr. Wedeking? And this went on for at least a year and a half before we finally agreed on what needed to be done."

Mr. Wedeking said they didn't have any major problems.

Mrs. Cox said she thinks she's talking about Section A or B -- the early days of the subdivision. The streets had been built perhaps two years before Mr. Wedeking came in to have them accepted. She thinks she still has the notes pertaining to the matter.

Commissioner Willner said the watershed empties into Pigeon Creek and Little Pigeon Creek.

Commissioner Borries said he thinks Mr. Willner's suggestions are well taken, because the Commissioners get in a situation where they are accepting part after part after part -- and they do not understand the drainage situation. If the shoulders and everything will work in regards to rip-rap, he can give this consideration.

Commissioner Cox said that rather than the rip-rap and stuff (a lot of it ends up in the ditch rather than along the sides where it is supposed to be), maybe they would consider putting in one of these permanent concrete bottoms or something.

Further discussion took place as the Commissioners and Messrs. Kuester and Wedeking reviewed the plans.

Commissioner Cox asked who is going to maintain the ditch?

Mr. Kuester said the ~~Wedekings~~ will until the County takes it over.

Commissioner Borries said this is certainly a nice subdivision and Mr. Wedeking has done a good job. But the Commissioners just want to make certain we have a plan here that works. Maybe Bill Jeffers, Chief Deputy Surveyor, can review the plans and enter comments here concerning the side ditch so the Commissioners can give this consideration at a later date.

RE: AUDUBON ESTATES SUBDIVISION

Mr. Aaron Biggerstaff asked to speak again and he advised the Commissioners that he had talked to Mr. Bussing again. He said he will have ingress/regress off Covert. But he suggests he has no problems with sidewalks on Plaza Drive. But he wanted to know if he could have sidewalks on one side of Plaza Drive or Greencove. Secondly, he wants to know if they can put on the plat that the builder will be required to do the sidewalks as they develop and build the homes, rather than the developer.

The Chair entertained questions.

The Commissioners spent several minutes gong over the plans further. It was determined that sidewalks should be on the north side of Greencove and on the east side of Plaza Drive.

Mr. Biggerstaff said he guesses his question now is whether his suggestion as to the builder being responsible for the sidewalks rather than the developer, could he go ahead and put that on the plat?

Attorney Miller said that is really a question that Mr. Bussing's own counsel should address. However his opinion would be that lots can be sold subject to the requirement that the purchaser

pay a certain amount toward sidewalk construction or construct sidewalks according to county requirements. Still, the county will look to Mr. Bussing. Mr. Bussing is going to have to guarantee them and he is the one making the commitment. If Mr. Bussing sells a lot to Joe Smith (builder) and he says in his contract that Joe Smith can pay me \$3,000 for the lot plus \$300.00 that I have invested in sidewalks or the \$380.00 that it is going to cost to build sidewalks, or you build the sidewalks before I give you the deed -- but let's place the burden on Mr. Bussing and let him work it out.

Commissioner said when sidewalks are required, they don't know where to have a curb cut or anything, and she thinks the Board needs to work with the developer.

Attorney Miller said that is one thing. Another is that some people may want the gray stone showing on their sidewalks and they'd still be up to specifications and others not -- but the county has to look to Mr. Bussing -- there is no question about that.

Commissioner Willner moved that sidewalks be required on the east side of Plaza Drive and on the north side of Greencove and waive sidewalk requirements for all other parts of Audubon Estates. Mrs. Cox provided a second to the motion. So ordered.

Commissioner Borries said he doesn't know whether Bill Jeffers has had an opportunity to make any comments on this, but would he care to comment at this time concerning Browning Estates?

Mr. Jeffers said that with regard to Browning Estates Section D, he shares Mr. Willner's reasoning on detention at the upper ends of Pigeon Creek watershed. To that issue he would say that unfortunately the only place to store water or detain water in Section D is on Lot #1 where the main creek passes through Section D. Unfortunately, that is substantially downhill from where water should be detained, which is closer to the Boonville-New Harmony Rd. Unfortunately, also, we didn't require any detention in that section of the development when it came through several years ago. The drainage plans that will come before the Commissioners in a few hours don't show any detention and he can't think of anyplace other than Lot #1 where anything could be done -- and he is not sure exactly what can be done on Lot #1, because it is down in the main creek channel and not up in a hollow where water should be detained. Insofar as rolled curbs and gutters, he will say in all fairness that Mr. Wedeking and his father have developed several streets in other portions of this development that come as close as any in the county to matching the standard for roads without curbs and gutters. He hasn't seen any road constructed without curb and gutter that has uniform 6 ft. shoulders and he has not seen any street constructed in the county in the last several years without rolled curb and gutter or with side ditches that somehow or another someone didn't come along and mess up the situation by adding the driveway culvert in the wrong location, asking the County Engineer to let them build a ditch in front of the house -- in the case of Redgate Rd., one guy arbitrarily went out there and stuck a curb and gutter right up against the edge of the road in spite of the fact that it wasn't designed to have one, etc. Therefore, he happens to share Mrs. Cox's opinion that all streets should have rolled curbs and gutters, because in viewing streets without curbs and gutters all he sees is problems. But that is his personal opinion and the ordinance does allow for the waiver of curbs and gutters and the current county standards which were signed by the Commissioners in 1977 provide an alternate to roads with curbs and gutters.

Specifically on Browning Road Estates Section D, the comments he has now will be brief, because he will either repeat them or elaborate on them again during the Drainage Board Meeting. Mr. Kuester has given the Commissioners a set of plans that conform to the county standards in 1977. In addition, he has added

rip-rap, which is required by 1984 Ordinance, for a slope that will be approximately 10%, possibly steeper, and he has supplied the Commissioners with information that he intends to put fabric under the rip-rap as previously requested by the County Engineer, which exceeds the county's standards. Again his comment would be that he doesn't like road without curb and gutter, but he has met the requirements for roads without curb and gutter. Two things that come to mind are that there is a sanitary sewer line running right down the middle of the ditch and if that needs maintenance, they lose the rip-rap, and he would caution against requiring him to put a concrete ditch bottom there because we'd then lose the concrete ditch. He doesn't like the sanitary sewer line down the middle of the ditch, but he doesn't know where else he is going to put it. His only other comment (and he will make this comment on two other subdivisions later in the afternoon) -- he doesn't think you can get a road in without curb and gutter into a 50 ft. right-of-way if the ditch exceeds 1 ft. in depth -- because it just makes it in 50 ft. with a 24 ft. pavement with 12 ft. shoulder (6 ft.. on each side) -- that's 36 ft. and two (2) 7 ft. ditches is 14 ft. That is exactly 50 ft. If that ditch is greater than 1 ft. deep, the right-of-way required for road with that type of construction is greater than 50 ft. He just wants to point this out to the Commissioners. Likewise with Jonothon Estates, the cross-section shows 24 ft. of pavement and the plan shows 29 ft. Where is the other 4 ft. going to be?

Mr. Jeffers said he would also caution the Commissioners that, as Commissioners, in charge of county highways, that whatever they approve they have to maintain.

Commissioner Borries said that, again, this matter has to be considered at the Drainage Board. He would like to have a week to study this. Unless the other Commissioners want to -- he does not intend to vote on this day in regard to waiver of curbs and gutters. Again, he has no problems with the waiver of sidewalks.

RE: TRAVEL REQUESTS

County Auditor: Commissioner Borries said he has a request from County Auditor Sam Humphrey for three (3) persons from the Auditor's Office to attend the Auditor's Conference to be held at the Holiday Inn North in Indianapolis on May 28 and 29. This is a State-called meeting.

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

County Recorder: Robert Steele, County Recorder, is requesting permission to attend a conference of all county recorders as called by the State Board of Accounts. Conference is to be held on June 2 and 3 at the Holiday Inn Union Station in Indianapolis.

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

RE: REQUEST TO GO BEFORE COUNCIL TO REQUEST ADDITIONAL APPROPRIATION - COUNTY AUDITOR

Sam Humphrey, County Auditor, said he also has a request to go before Council for an additional appropriation for Word Processor to cover weed and sewer bills.

Commissioner Borries asked how this will be paid? Will it be out of the Commissioners' budget or what budget?

Mr. Humphrey said it will have to come out of the General Fund.

Motion to approve the request to go before Council was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID MILLER

Attorney Miller advised that there are two additional matters falling under the area of litigation that have arisen this week. There may have been a couple that have arisen during weeks that Mr. John has been present but which haven't been announced. However, we now have two additional matters of litigation with the Sheriff's Department involving Sheriff's employees. He believes the Commissioners were previously told about Mr. Swaim. Mr. Dale Thene has filed an action for additional compensation and a Mr. Ronald Hartman has filed for additional compensation. The Hartman matter is very similar to Mr. Swaim's claim. All of these claims, to his knowledge, are being filed by Mr. Charles Berger on behalf of the various members of the County Police. Mr. Hartman's claim is that when he was performing his duties, occasions arose when even though he was a Corporal he would be required to perform the duties of a Sergeant and, therefore, during those periods of time when he was performing the duties of a Sergeant he should have been paid at the level of the Sergeant who he was replacing. Mr. Swaim has made a similar claim. The county's defense through Sheriff Shepard is that these individuals knew that as part of their duties there would be stand-in periods. In Messrs. Hartman's and Swain's cases, Mr. Swain agreed in advance to become an Acting Lieutenant and to serve at Sergeant's pay -- so those cases are similar in that regard. Mr. Thene was a civilian employee who later became a Sheriff's officer and his case is somewhat different. In addition, the county has received and he has already done a significant amount of work on a claim for unemployment compensation involving a Miss Reheman out at Hillcrest-Washington Home and we have been required to do some background work that resulted from her appeal of a denial of unemployment compensation. Although they have already done the work, he is asking for the Board's authority under the litigation contract to continue this work, because it has turned into a significant amount of work. Other than this, he has nothing to report other than that which was reported in the Executive Session last week.

Motion to authorize Attorney Miller to continue litigation work was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Work Report/County Garage: Mr. Bethel submitted copies of Weekly Work Report for Employees at the County Garage for period of April 20 thru April 24, 1987.....report received and filed. Attached to the Work Report was the following Work Schedule:

<u>Gradall:</u>	North Green River Rd., Oak Hill Rd., and 5408 Daniel Avenue
<u>Paver:</u>	Mesker Park Drive and Fisher Rd.
<u>Patch:</u>	2617 Ashwood, Felstead, Newburgh Rd., Heckel Rd., Old Henderson Rd., Newburgh Rd. and Marx
<u>Grader:</u>	Bottoms, Wallenmeyer, Armstrong, Maasberg, Old Green River Rd., and Burdette Park
<u>Payloader:</u>	Clean Medians, St. Joe Avenue
<u>Mower:</u>	East Side

Ran Barricades

Weekly Work Report/Bridge Crew: Also submitted for the same period was the Weekly Work Report for the Bridge Crew.....report received and filed.

- Repaired guard rail on Felstead

- Concreted and rip-rapped culvert on Kathleen
- Repaired drop box at 2710 Koring Rd.
- Repaired head wall on Old State and Old Petersburg Rds.
- Repaired and built wall on Pollack
- Unstopped culvert at 1521 Heckel Rd.
- Repaired bank on Old Petersburg Rd.

Weekly Absentee Reports: Also submitted for the same period were the Weekly Absentee Reports for Employees at the County Garage and the Bridge Crew.....reports received and filed.

The Chair entertained questions of Mr. Bethel.

Commissioner Willner asked if we have roads closed at this time which are barricaded due to high water?

Mr. Bethel said the high water is just about down. They are taking down their barricades and grading those roads and getting them passable.

RE: COUNTY ENGINEER - ANDY EASLEY

Mr. Easley said he would like for the Commissioners to review the preliminary plan of a road improvement that is on Old Princeton Rd. The straightening of a curve where Darmstadt Rd. goes off -- he guesses some people refer to that as Mosquito Rd. Mr. Bethel said it is Outer Darmstadt. We need some right-of-way from the Stratts and that plan shows what we intend to do with the right-of-way. He has been in contact with the Stratts and has developed an estimate of what he thinks this property -- we're probably going to have to pay for it. He'd like permission to have a claim prepared and a deed to obtain the right-of-way. It is a strawberry farm, which makes it a little more expensive as opposed to just pasture and there is also frontage in designated area which could be sold as a home site. He would like the Commissioners' permission to purchase the right-of-way for \$6,000.00. He discussed this with Mr. Willner and, with his knowledge of property values in the area, he did not disagree.

Commissioner Cox asked, "What kind of sign"

Mr. Easley said, "Do you remember seeing a great big sign saying 'Strawberry' and our temporary construction is going to destroy the strawberries -- and it is a crop -- I'm not sure as to the life of a strawberry patch, but it is several years." Mr. Easley said he was going to ask the Commissioners whether we should get an appropriation for this or whether we have something we could use for miscellaneous right-of-way purchase.

Attorney Miller asked, "This is temporary easement?"

Mr. Easley said it is permanent..Actually there, is some temporary and some permanent. There is a little over one-half acre of permanent.....

Attorney Miller asked, "You're not figuring in the destruction of the crop?"

Mr. Easley said, "Yes I am; that is part of it. I didn't put down crop damages because it is not an annual crop.

Attorney Miller said, "Well, in a condemnation action, the value of the property is determined based upon its highest and best years with those improvements in place that are in place and that should be taken into account in determining the value of that

portion. The fact that there is a permanent set of strawberry plants should all be taken into account in the value of that ground. The only ground you should be paying extra for the strawberry patch is what you're taking temporarily, because it will have to be replaced by the owner. But you don't want to pay for the strawberry patch twice."

Mr. Easley said, "I have purchased right-of-way in the past for the county and I think that....."

Attorney Miller said, "I'm not saying you're not on the right road, I'm just giving you my thoughts."

Mr. Easley said the temporary is compensating them for the strawberries.

Commissioner Cox said, "Well, they will be able to get that crop out this year. The strawberry crop comes on in June."

Attorney Miller said, "Or Memorial Day."

Commissioner Cox asked when we're going to start on this?

Mr. Easley said that this is something we want to do this season, so we want to get moving on it.

Attorney Miller said, "You can save yourselves a little money if you let them get the crop out this year."

Commissioner Cox said, "Well, if this moves in two months, it will be quicker than we've moved anything else. I just figured we were going to -- I'm still not sure I know what you're doing, Andy."

Mr. Easley said the existing road comes up and makes a sharp bend -- and we're going to put a 1,100 ft. radius curve in here, which would give us about 50,000 on our capability. There will have to be a drainage ditch to catch the water from the culverts. With regard to the old existing pavement, he has talked to EUTS and they concur that we could have this a merging lane and we wouldn't have to pave it because it is already paved. We'll stripe it -- a merging lane where people can come onto it and enter town or they could come out and go left or make a right turn at designated spot. We have decided that this is what we'd like to do. The semi trucks would need this much turn radius to get out of there.

Commissioner Cox said, "If we're going to improve this intersection and improve the road, then we're going to have to look at the other things along there, too, I guess."

Mr. Easley said if the Commissioners think this is a reasonable purchase price, he will prepare a claim.

In response to query from Commissioner Willner, Mr. Easley said he thinks he should ask permission from the Commissioners to go before Council and obtain an appropriation for this project.

Commissioner Willner said the Commissioners could transfer monies and then replace it.

Commissioner Cox queried Mr. Easley concerning the anticipated total cost of the project?

Mr. Easley said there is approximately 600 ft. of curve we're going to end up with and other miscellaneous construction culverts.....

Mrs. Cox interjected, "Is this going to be done in house?"

Mr. Easley said we had talked about perhaps having the excavation done by a contractor. But we've also talked about doing the paving in house; there isn't that much base to be placed -- and then it is a matter of a lot of asphalt work. But he doesn't know whether he might be too high if he said we may very well run from \$25,000 to \$30,000 worth of construction on it.

Mrs. Cox said this is definitely a dangerous intersection that requires attention. We don't have any right-of-way money anywhere that we can use to buy this?

Mention was made of contractual services or awards and judgments accounts.

Commissioner Willner said his personal feeling is that it is a bad intersection and we have never done any reconstruction and it needs to be done. He doesn't mind spending \$6,000 for the property. He did talk to Mr. Straat and he said he bought it seven years ago and gave \$4,200 per acre -- so we're in the ballpark. He doesn't know whether he will sign it for \$6,000; that remains to be seen. And he would rather see the county crews do this project. But if the other Commissioners want to contract it out.....

Commissioner Borries said he thinks the question is from what fund we'll get the monies. The possibility of funds from Judgments and Refunds was mentioned. There may be enough out of that account.

Commissioner Cox said that if it is going to be contracted out, we already have a fund in place for contractual services that we could go with. This is why she asked if it was going to be done in house.

Mr. Easley said he thinks we probably favor doing it with our own forces. We may have to get a contractor's large backhoe to dig the ditch on an hourly rate basis. Maybe the gradall can do it.

Mrs. Cox said, "We're in our paving season right now. If both gradalls are working, they are going to be busy and the crews are going to be busy. This is why I asked about contracting it out."

Mr. Bethel said he'd like to see the excavating contracted out and then let the county crews do the rest of it.

Mr. Easley agreed.

Motion was made by Commissioner Willner that the county offer the Straats \$6,000.00 for the 1.4 acres and the .27 acres temporary easement to come from the highway dollars.

Commissioner Cox asked Mr. Easley where he got the 1.4 acres figure?

Mr. Easley said from the sketch -- that is the total of the two.

Mrs. Cox asked Mr. Easley how many sq. ft. are in an acre?

Mr. Easley responded, 43,560 sq. ft. constitute an acre. He then explained how he arrived at the 1.4 acres. He said they will write the legal description to the centerline. Some of those old roads out there -- there's never been any formal record of it being dedicated.

Commissioner Cox said, "Well, I would certainly say that what we're doing here is certainly going to improve that section of his property anyway, so it should be an even wash.

The Chair then asked Mr. Jeffers for his comments. (Comments were not audible because Mr. Jeffers was speaking from where he was seated, rather than from the podium.)

Mrs. Cox said she thinks the price is reasonable and fair. She then provided a second to Commissioner Willner's motion. So ordered.

Street Improvement Plans: Mr. Easley noted that the matter of approval of street improvement plans for McCutchan Estates I and Greenbriar Estates III was still pending. It was the consensus of the Board that they need additional time to review said plans before taking any action.

"B" Street Underpass Plans: Commissioner Cox asked whether the plans on the "B" Street Underpass have been received from Hayes, Seay, Mattern & Mattern?

Mr. Easley said he has not seen them yet. They were to have been sent via UPS last Friday. He will go check with his office, as they might have arrived since he last checked.

Commissioner Cox asked if we have a recommendation from EUTS concerning the design speed for Orchard Rd.? She thinks this was also a holdover.

Mr. Easley said he hasn't talked with Rose Zigenfus today and she just returned to Evansville from an out-of-town trip. He will check with her on this.

RE: OLD BUSINESS

Ordinance re Speed Limit on Harmony Way & Tupman Rd.:

Commissioner Cox asked whether the County Attorney has sent over the ordinance re speed limit on Harmony Way and Tupman Rd.?

Attorney Miller said that if Mr. John has it prepared, he did not send it over via him. He has no knowledge of that.

Commissioner Cox said Mr. John will probably bring the ordinance to next week's meeting.

Joint Meeting/Commissioners & County Council: President Borries said he would note at this time that the Commissioners and County Council held a Joint Meeting on Thursday, April 23rd, regarding Hillcrest-Washington Home.

RE: SCHEDULED MEETINGS

Wed.	April 29	2:00 p.m.	County Council Personnel Mtg.
Wed.	April 29	2:30 p.m.	County Council Finance Mtg.
Wed.	April 29	4:00 p.m.	Auditorium Advisory Board Mtg.
Mon.	May 4	2:30 p.m.	Public Hearing re "B" Street Underpass

RE: CLAIMS

Bowers, Harrison, Kent & Miller: Claim presented in the amount of \$2,709.69 re series of litigation matters. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Jones & Wallace: Claim presented in the amount of \$325.50 for legal services rendered on previous litigation cases which are being closed out. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Refund Check: President Borries submitted a claim for check refund. A payroll check issued to Maurice O'Connor in the amount of \$370.32, which was lost for a period of time and recently found. Motion to endorse the check for deposit into the General Fund was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

RE: ACCEPTANCE OF CHECK FROM VETERAN'S COUNCIL

President Borries submitted a check from the Veteran's Council in the amount of \$2,821.40 for liability insurance at the Coliseum. Motion to accept check and endorse same for deposit into the General Fund into the insurance account was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Prosecutor's Office (Appointments)

Steve Owens Dep. Pros. \$23,810.00 Eff: 4/17/87

Hillcrest-Washington Home (Appointments)

Donna K. Zachritz Custodial Janitorial \$5.20/Hr. Eff: 4/22/87

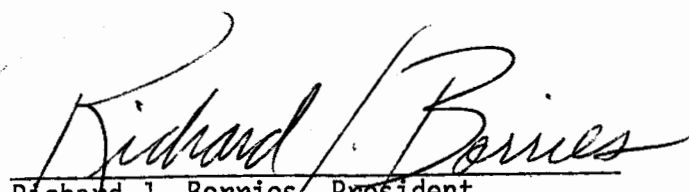
Sheriff's Department (Appointments)

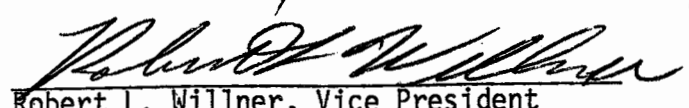
Johnnie Paul Maver Process Server \$5,968/Yr. Eff: 4/20/87-

There being no further business to come before the Board at this time, President Borries adjourned the meeting at 4:25 p.m., with an announcement that the Drainage Board Meeting will be held immediately subsequent to the Commissioners Meeting.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	R. J. Borries R. L. Willner S. J. Cox	Sam Humphrey	David V. Miller
	<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY SURVEYOR</u>
	Bill Bethel	Andy Easley	Bill Jeffers, Chief Deputy
	<u>AREA PLAN</u>	<u>OTHER</u>	
	Bev Behme	Bill Goff/Pigeon Trustee's Office Larry Bushrod/Poor Relief App. Aaron Biggerstaff William Bivins Fred Kuester News Media	

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member