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Gibson County Board of Commissioners  
Regular Session  
December 7, 2021

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The Gibson County Board of Commissioners met in Regular Session on December 7, 2021, at 5:30 p.m. at the North Annex Meeting Room.

Prayer was led by Commissioner Montgomery followed by the Pledge of Allegiance to the Flag.

**Roll Call by Auditor Watkins:**

President Warren Fleetwood – Present  
Vice-President Kenneth Montgomery – Present  
Commissioner Mary B. Key – Present

Auditor Watkins noted a quorum was present.

**MINUTES:** The minutes from the November 16, 2021, meeting were approved as presented. Commissioner Key motioned to approve minutes, seconded by Commissioner Montgomery. With no further discussion, the motion carried 3-0.

**CLAIMS:**

COUNTY GENERAL	\$170,841.01
COURTS	\$1,498.44
HIGHWAY	\$108,065.95
SHERIFF	\$14,068.15
ACH	\$99,791.63
CAW -1	\$13,015.18
CAW - 2	\$45,274.82
CAW - 3	\$17,370.17
PAYROLL	\$363,333.39
PAYROLL - OVERTIME MISSED WHEN REPORTED 11/18/2021	\$614.46
LIT, SUR AND WHEEL TAX DISTRIBUTIONS	\$607,975.12
DITCH CLAIMS	\$32,326.01
DITCH CLAIM, EXCESS REFUND & HEALTH DEPT. CLAIM	\$52,918.50
INNKEEPERS DISTRIBUTION AND DITCH CLAIM 11/23/2021	\$31,887.64
SEWER LIENS AND COURT COSTS DISTRIBUTION	\$19,008.82
PAYROLL DEDUCTIONS	\$174,145.92
ADDITIONAL PAYROLL DEDUCTIONS	\$167.25
PAUPER CLAIMS	\$2,929.20
FIT DISTRIBUTION	\$167,296.91
DITCH CLAIMS	\$1,490.00
CVET DISTRIBUTION; SWETA/FINES/FEES	\$980,900.02
Total Claims Presented on 12/7/2021:	\$2,904,918.59

Commissioner Montgomery motioned to approve claims presented for payment, seconded by Commissioner Key. With no further discussion, the motion carried 3-0.

**Treasurers Report for November** was acknowledged by the Commissioners.

**Department Reports**

Highway Department – Superintendent Johnson requested a brush cutter as the one they had was damaged in an accident; he would like to place the order so they can receive delivery by January 25, 2022. They will get the cutter thru Sourcewell at a price of \$135,000 which was the best pricing; they will have the money in the 2022 budget. He told Commissioners the ditching machine was received on Friday. Commissioner Montgomery approved the brush cutter purchase, seconded by Commissioner Key. The vote was 3-0.

Health Department – In Director Hornby’s absence, Auditor Watkins read a letter from Director Hornby which stated that a resignation letter had been received from Dr. Krishna, MD; he is moving and will no longer be on board; the letter states that Dr. Rexing was voted as being the new President of the board. They have been short a nurse on the board and Julie Koberstein has agreed to serve as a board member but will need to be appointed. Health Department employee, Ben Dye has talked with the Subdivision Review Committee, and they have all the information related to the Southern Hills Subdivision. Lastly, she thanked the Commissioners for allowing the purchase of the trailer, she reports it is working great. The Commissioners made the appointment of Julie Koberstein to the Health Department Board, seconded by Commissioner Montgomery. The vote was 3-0.

Sheriff Department - In Sheriff Bottom’s absence, Commissioner Montgomery told other Commissioners the water temperature metering valve is bad at the jail and needs replaced. Sheriff Bottoms gave Commissioner Montgomery the quotes to present to the other Commissioners. This was paid from EDIT last time. Commissioner Key motioned to replace the valve, seconded by Commissioner Montgomery. The vote was 3-0. This has been replaced within the last year or two and they will check to see if there is any warranty left on the defunct valve.

### **COMMISSIONERS OLD BUSINESS**

**Owner’s Representative for Corrections Facility** – George Ballard told Commissioners that Parker Excavating will begin the tear down of the Good Samaritan Building (or old ice plant) next week. Things in the works now include the energy plan by Duke Energy, conceptual drawings, and the heating and air design.

**Assessor, Kim Beadle presented the Commercial Contract Renewal** – Assessor Beadle presented the contract for the County’s next cyclical reassessment, which is a State Contract that has been reviewed and approved by Attorney Spindler, since it is a state contract, it cannot be modified.

Commissioner Key motioned to approve the contract, seconded by Commissioner Montgomery. With no further discussion, the motion carried 3-0.

**Bids were opened for 2022 Supplies (fuel, stone, sand, oil, asphalt materials, pipe/culverts/bridge packages, etc.)** – Attorney Spindler, with the help from Engineer Holden and Highway Superintendent Johnson opened the bids.

The only fuel bid received was Wabash Valley.

Mulzer Crushed Stone, Inc., and Rogers Group, both submitted bids for various types of stone, rock, gravel, and sand. The quote included pricing for pickup from different pickup locations plus delivery pricing.

Asphalt Materials, Inc., quoted pricing for asphalt materials offering pickup and delivery.

Civil Con submitted a binder with every pipe size available, guardrails, box culverts or anything needed for drainage, plus options on bridge packages. This is the only bid received for 2022.

Since the County did not receive a lot of bids, Engineer Holden recommended that they accept all bids, as they are seeing inflation hikes for everything; all documents are in order for all bids. The Highway Department will then be able to use the lower priced product unless there is a shortage

of materials and then they will have a backup option. Commissioner Key motioned to approve all bids received, seconded by Commissioner Montgomery. The vote was 3-0.

**Toyota Lot 4 Change Orders 20 & 21 for Equipment and Additional Camera** – Engineer Holden explained change order #20 is for spare, extra parts that could go bad. This will allow the County to change out parts without too much delay. There are 4 intersections set up on this system. The cameras store traffic data.

Commissioner Key motioned to approve change order #20, seconded by Commissioner Montgomery. With no further discussion, the motion carried 3-0.

Change Order #21 is for the installation of an additional camera at one intersection. The system requires two cameras; if a camera goes down, they can operate another camera until the camera is fixed. This will be the backup camera at the one intersection. These cameras are a good resource for many departments. This data will be available versus paying a lot of money for a traffic study. Commissioner Key motioned to approve change order #21, seconded by Commissioner Montgomery. With no further discussion, the motion carried 3-0.

**Baker Tilly Presentation on the Correctional Facility Bonds** – Kaitlyn Cheek of Baker Tilly was present to provide this presentation showing the different funding options for the construction of the new correctional facility. Scenario #1 shows bonds to be issued will be secured by the LIT revenue, plus property tax revenue will be used as a backup. The total proceeds on this scenario would come in at approximately \$27,404,901. An illustrative amortization schedule was presented for a 20-year term with a cost of \$1.45 million per year. Scenario #2 added an EDIT pledge to Scenario #1 of \$500,000 per year thru 2025 and \$550,000 beginning in 2026 thru final maturity of bond. This will bring the total project funding to an estimated \$34,979,901. The 20-year bond term would cost \$1.88 million per year. There will be no debt service reserve on either scenario because of the property tax back up.

Ms. Cheek asked the Commissioners to review the amortization schedule.

President Fleetwood asked if Council had reviewed this; it has not been presented to the Council, but the finance committee has reviewed the information.

President Fleetwood asked for the course of action plan. Ms. Cheek explained that Bond Counsel has/will send out a timetable with some resolutions.

**Lease Agreement Resolution 2021-12** – Attorney Spindler asked for action on this item as the building corporation had met before the November 16 Commissioner meeting. Commissioner Key and Attorney Spindler explained this item is a mechanism to issue the bond. In addition, Attorney Spindler reviewed all the key terms of the lease. President Fleetwood motioned to approve the resolution; seconded by Commissioner Montgomery. The vote was 3-0.

**Attorney Spindler and Probation Building** – Attorney Spindler asked permission to let bids for the demolition of the Jackson Furniture Building in 30-60 days. Commissioner Key wonders what will happen with the offices/storage inside the buildings. She had understood in prior conversation this building would stay intact to hold the storage and office space until the new building was ready. Attorney Spindler will table this item for now and he will talk about demo after construction is completed. He would, however, like to let bids for the office space construction on the Jackson Furniture Building site for approximately 7,500 square foot to house Probation, Maintenance, Weight/Measures, Public Defender, Pre-Trial Services, storage, and room to grow. Commissioner Key explained that the storage in this building came from the Courthouse attic as the storage had to be moved because it was too much weight. This storage must be kept and under lock/key.

President Fleetwood motioned to move this item forward to provide secure storage for the sensitive records and office space for Maintenance and Weights/Measures, then move forward on the construction of a building, seconded by Commissioner Montgomery. The vote was 3-0.

Attorney Spindler also requested that the Probation Department be moved to Shane Matthew's building (northwest corner) at the corner of Hart and Broadway. This carries a 9-month lease and an amount of \$14,000; IT is estimated to cost \$1,200-\$1,500. Attorney Spindler requested permission for either he or President Fleetwood to sign this lease once they have it polished; this will provide an estimated move in date of December 17, 2021. Once probation is moved, the renovations for Judge Rickers hearing room and chambers can begin. Commissioner Montgomery motioned to approve this request, seconded by Commissioner Key. The vote was 3-0.

### **COMMISSIONERS NEW BUSINESS**

**Peabody Temporary Road Closure Presentation** –Mike Englewood, Peabody Representative, requests temporary road closure for portions of 1225 E and 1025 S; this is in the Southeast section of the County, near the Warrick County line. In August of 2018 Peabody had requested the same road closure with a total of approximately 1600' on both roads. In 2018, the Commissioner had tentatively approved this closure with seven different considerations asked of Peabody. Peabody aspired, at the time, to extend the road to the west (Weyerbacher Road in Warrick County and 1150 in Gibson County), by acquiring land and expanding it to include 700-800 acres. This would have also expanded the mining area and helped write off some of the cost of this extension and the seven considerations proposed. In good faith, in 2018, one of the considerations was fulfilled by milling and chip/sealing a 4,000' section from Eden Cemetery south to 950 S. Then an over-supply in the coal industry, plus other things happened, and they idled the Somerville dragline and mine. Peabody now has a one-year contract with IP&L for 500,000 tons of coal. They intend to install a cul-de-sac for a school bus turn around approximately 2,690' in length, but it will shorten the current road by approximately 200'-250'. This will eliminate two sharp curves on the current road and make it safer; it will also tie the road back into the lake road. Jeff Wilkerson, a Peabody employee, wanted to remind people the project will become cost prohibitive without the closure. Kevin Jochim, Peabody employee, would like Commissioners to be ambassadors of the county and allow this change to occur in the roadway, making it a safer road to travel. Mr. Englewood said Peabody had contacted central dispatch, Sheriff Bottoms, Buckskin Fire Department and Police Chief, and EGSC Transportation Department, plus they posted signs for the public asking them to attend the meeting; they are here to listen to public comment. President Fleetwood asked how long they anticipate mining. Peabody feels the job will last approximately one year. They are requesting a two-year closure and if coal sales are still good, they will continue mining. If they cut thru the road, they will have to observe settling before repaving and it would be up to county when they want them to make it a hard surface again. President Fleetwood asked how they will be mining; it will be open surface mining. If they fulfill the sales contract early; it would wrap up 12/2022. Peabody will restore the county road back to gravel by the end of the 3<sup>rd</sup> quarter in 2022 and open it back up to the public. Peabody is very aware of the county's road ordinance in which the road must be restored to as good or better condition. President Fleetwood asked how many jobs they would be bringing in or restoring. Peabody will be restoring 40 employees, plus double that for restoration, coal hauling, contractors, vendors, and suppliers. They are actively hiring. Citizen Concerns were now heard.

Daryl Seaton is a neighbor, and he feels Peabody is a great neighbor as he owns property on both ends of the pit and runs cattle at each end. He feels this closure will add many miles to his cableless tractor ride daily. Mr. Seaton thinks there are 24 homes on the Gibson County side of the lake, plus another 4/5 homes located on the other side. He would like Peabody to install a narrow, single lane rock road from CR950 over to CR1300 as they had previously agreed to this, and he feels the price of coal has risen which would allow for this modification. He feels Peabody owns the ground and the biggest part of the road is already laid out. This would help on ambulance and fire departments reaching these people; the road would be ¾ mile long. He feels they now have a difficult time getting emergency personnel to respond to this area and the road

closure will further complicate this. Peabody explained the difference now versus 2018 as this is a one-year contract, which will add money to the project. He does not feel this project can handle many more requests. President Fleetwood asked if there were any other existing roads that are not being thought of now. Mr. Seaton feels Peabody is getting the coal under the road free, full profit; he feels this would help defray the cost as there are numerous vehicles on this road daily. Fire Chief of Buckskin told Commissioners/Peabody they have a big concern about the 30 residents that live on the outside of this loop being cut off and emergency response times being extended with the closure. He feels the coverage in this area will have to come from Warrick County. He explained to get to the back side of park, it is five miles, and with the road closure, it will be extended to nine miles with numerous curves. The CR 950 cut thru as discussed previously would cut it down to six miles. The fire department feels this will be diminishing their service. Residents east of project will have to take a large loop to get back around. There will be a large amount of acreage with no access. It is as much a burden to Peabody, as it is to the residents. They are Gibson County residents, and they would like to keep it that way. They ask Commissioners/Peabody to please not shut these people out of Gibson County. Commissioner Key asked about the previous agreement on CR 950. Mr. Seaton told her CR 950 has never went all the way thru the area, but they were going to put the road in and rock it until the other road was reopened then they would turn that road over to the County when the project was complete. He feels most dirt work is complete. Mr. Englewood explained that if opened to public, it must be done by safety standards, which is where a lot of the expense comes about. Kix Freudenberg Fire Chief of Somerville feels response time is huge and if there is a structure fire, they are very limited on water as they must truck all water. There is a large population in the area they are closing off and the roads need to be put in correctly so emergency equipment can use the roads. President Fleetwood made a motion for a five-minute recess, seconded by Commissioner Key. The vote was 3-0. The Commissioners reconvened after five minutes at approximately 7:07 p.m. Commissioner Key says there has been mention of an agreement with Peabody and she would like to table any action until the next meeting. She will try to find the original agreement for study from August 2018 as life, death, fire situations, and minutes are very important. Peabody does not have a fully executed agreement. Mr. Seaton would like to meet with Commissioners in the area so they can see firsthand the situation he is facing. Peabody has met with Commissioner Montgomery and Engineer Holden to discuss the situation. Commissioner Key motioned to table until December 21, 2021, seconded by President Fleetwood. The vote was 3-0.

Larry Michel wonders if a reciprocal agreement for emergency service could be set up between Gibson and Warrick counties, for a year, at a cost to Gibson County. Buckskin Department says most of his department lives in this area. They do not feel this is Gibson County's problem and Gibson County should not have to pay for this. President Fleetwood told everyone the next meeting is at 5:00 p.m.

**CR 450 E & CR 200 N – Road Study by Sheriff Tim Bottoms** – Sheriff Bottoms looked at the intersection near the Fairview Heights proposed subdivision. He suggested a 3 way stop at this intersection.

Commissioner Key motioned to follow this recommendation, seconded by Commissioner Montgomery. With no further discussion, the motion carried 3-0.

**Sheriff Tim Bottoms – Annual Contracts** – Sheriff Bottoms has an agreement with Deaconess Gibson General Hospital; Agreement with jail doctor, Dr. Emerson; Agreement between Sheriff and EMS; Agreement for Quality Correctional Care as they provide medical care for inmates. Commissioner Key motioned to approve all agreements presented by the Sheriff, seconded by Commissioner Montgomery. With no further discussion, the motion carried 3-0.

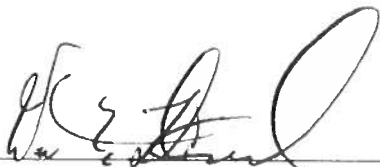
**YMCA Name** - Larry Michel says at last meeting, the YMCA name was discussed. Commissioner Key has contacted the YMCA and she is expecting someone to attend the next meeting or awaiting a letter.

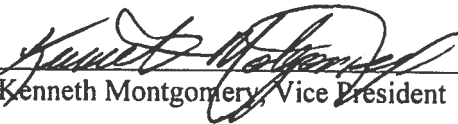
**Major Medical Leave (2)** was approved by the Commissioners with a motion from Commissioner Key seconded by Commissioner Montgomery. The vote was 3-0.

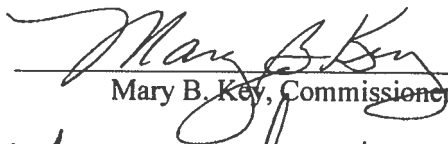
Reminder to citizens about disposing their trash at the compactor sites, not on the county roads. There is an ordinance in which people will be fined if found disposing of trash illegally.

With no further discussions, Commissioner Montgomery motioned to adjourn the meeting, seconded by Commissioner Key. The vote to adjourn is 3-0.

Minutes from the December 7, 2021 Meeting.

  
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Warren Fleetwood, President

  
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Kenneth Montgomery, Vice President

  
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Mary B. Key, Commissioner

  
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ATTEST: Mike Watkins, Auditor