
Gibson County Board of Commissioners
Regular Meeting
January 18, 2022

The Gibson County Board of Commissioners met in regular session on January 18, 2022, at 5:00 p.m. at the North Annex Meeting Room.

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

Minutes from the 1/4/2022 meeting approved as presented. Commissioner Key motioned to approve the minutes, seconded by Commissioner Fleetwood. The vote was 3-0.

CLAIMS:

LIT, WHEEL/SURTAX DISTRIBUTION, DITCH CLAIMS, TAX SALE REDEMPTION REFUND AND COMMUNITY CORRECTION GRANT MONEY TRANSFER	\$636,983.42
COUNTY GENERAL	\$116,403.47
COURTS	\$1,298.19
HIGHWAY	\$9,794.25
SHERIFF	\$20,387.91
ACH	\$121,545.49
CAW - 2	\$38,334.59
CAW - 1	\$15,919.38
PAYROLL DEDUCTION	\$172,259.01
PAYROLL	\$712.50
PAYROLL	\$379,822.79
Total Claims Presented on 01/18/2022:	\$1,513,461.00

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

Clerk & Treasurer Reports were acknowledged by Commissioners

COMMISSIONERS OLD BUSINESS

Gibson County Correctional Facility Project Update – George Ballard – Mr. Ballard reported they are working hard on property acquisition. He is starting the zoning process by attending the Princeton City Council meeting tonight accompanied by Architect Sanjay Patel from RQAW. RQAW Architect Patel was introduced by Mr. Ballard so he could present the contract for the next design phase, schematic design is complete. He is requesting to move forward on the project tonight. Commissioner Fleetwood requested more time to look at the contract and distribute it. There is another meeting in a couple of weeks, and he requested contract approval be moved out to the 2/1/2022 meeting. They will continue to work and keep moving forward. Architect Patel will email the updated contract to all Commissioners, and he asked them to email all questions.

Commissioner Key motioned to table contract approval until February 1, 2022, meeting, seconded by Commissioner Fleetwood. The vote was 3-0.

Southern Hills Sub-Division Public Hearing – Attorney Spindler opened the public hearing as advertised; he invited the public speakers to please approach the podium and announce their name and position. Scott Beadle, associate from Cash Waggoner and engineer for the developer was present to answer questions, as well as SPM Development owners Matt and Phil Reinbrecht. They have been trying

to figure out the sewer installation; they hoped to hook into a sewer system but ran out of options in trying to accomplish this. That is where the most change has taken place since they last visited in April 2021; the delay coming from the wait on the state approving the septic system. With the option of connecting into a sewer system coming to a dead end, they began exploring the installation of a community septic system for this subdivision. Cash Waggoner subcontracted another engineer more familiar with this type of community system installation. The development will contain 40 lots with each one having their own septic tank. Each of the 40 tanks will divert all greywater to a trunk line which will then distribute this greywater into one of the three large field beds. IDH has given their approval for this community septic system as well as the install of the system to both sides of the county road. They are now addressing drainage plans; but there are no county drainage ordinances in place, so they have based their plan on INDOT standards because they are adjacent to the State Highway and will discharge into their right of way. They plan to discharge to the ditch adjacent to their property and not directly discharging through another property to get to the ditch. They are the low ground. Their drainage plan and entire development including houses, driveways, everything in place, is designed for a 50-year storm event. The drainage they will be releasing is less than a 10-year storm event. Storm water will be piped to newly install retention basins, stored for a short time and slowly released into the existing ditch. The subdivision review committee has completed their review; Mr. Beadle feels they addressed all county ordinances from the subdivision standpoint. The Subdivision Review Committee also noted they had followed up with Union Township Fire, EMS and the Sheriff so they were sure to notify all interested people that might like to comment on this proposed development. A Homeowners Association is set up to help hand the maintenance of the septic system, which was required by IDH before they would approve the septic system. This is a typical development, with forty ½ acre lots; 8 lots on north side of the existing county road and the remainder of the lots on south side of the county road, which comes to an end at Highway 41. Commissioner Fleetwood asked why they are not connecting to city sewer. Mr. Beadle explained that was the initial route explored, but there were no manholes available to dump into as neighboring property owners would not provide easements. He asked if the Town of Haubstadt denied them access to city sewer. Cash Waggoner says they could not get to the sewer system. Mr. Reinbrecht told them they could have hooked into the Town of Haubstadt sewer line; however, they could not get easements to get to the sewer manhole. Matt Reinbrecht and Phil Reinbrecht, in attendance, both confirmed that the Town of Haubstadt granted approval for them to connect the Southern Hills Subdivision to the Town of Haubstadt sewer. They did not contact Ft. Branch to see if they could hook into their system. President Montgomery asked how many houses would hook into one field bed. They will be hooking into one of the three field beds and within the three field beds, are multiple field beds. President Montgomery wonders if this has worked anywhere else, as he is not convinced this will work for 40 houses. Ben from the county health department suggested the cluster system to the developer, Gibson County does not currently have any clusters. Cash Waggoner feels the field beds have been sized appropriately by the subcontractor which was then approved by the State Health Department. There was some discussion back and forth that was not captured, but Commissioner Key told everyone they are relying on the experts for this review. The crowd feels 10-15 years down the road there might be problems, but she feels normal septics can start causing issues in that time frame too.

Josh Claybourn with Jackson Kelly, PLLC represents several concerned residents in this proposed development. Mr. Clayborne presented a letter to Commissioners; he highlighted parts of the letter. Attorney Claybourn says the development is proposing 39 lots in 2 phases. Phase I is designed for 14 lots with 48 bedrooms and Phase II will involve 25 lots with about 84 bedrooms. Phase I is designed with a daily sewage flow of 5,850 gallons per day with phase II adding an additional 10,200 gallons per day. One concern of the residents Attorney Claybourn is representing is that this development is within 2 miles of the Haubstadt corporate limit. Haubstadt has zoning and has elected to have the extra territorial jurisdiction therefore this development must abide by the Haubstadt zoning code and subdivisions policy, which means they must enter into an agreement with the Town of Haubstadt; they do not find record of this being done. The plans show intent to install 4" and 6" sewer drains, not the 8" diameter as required by Haubstadt. Plus, the Haubstadt code requires fire hydrants, storm sewers, lot setbacks, street signs, and streetlights; they cannot find these items in this development's plans. It is zoned as agricultural land, not residential. Attorney Claybourn feels these are very important issues that need to be addressed before

ever asking the Commissioners to sign off on the project. Attorney Claybourn next discussed the ISDH permit approval and he has dealt with them often. First, ISDH requires bare bone minimums and then they pass the permit on to the local health department for a local construction permit. The State is saying that localities matter here, as this allows the locality to address situations specific to their area. Attorney Claybourn wonders if the local issues have truly been satisfied. Second, the permit needs to align with Haubstadt code. After both items are satisfied, then it will be submitted back to ISDH again for their approval. Third, they will have to enter into an operations and maintenance agreement for the life of the septic system with a contract signed by owners and service provider. This is the way the state knows this system will be serviceable and functional for the life of the field beds and tiles. These are critically important items of concern before the project can move forward. Mr. Claybourn does not feel the roads can handle these additional residents. Before the County takes on this much traffic, Commissioners must make certain this is safe and they have a long-term plan to handle this traffic load. There are easement concerns going through the development area and the concerned citizens wonder if the easements have even been considered. Attorney Claybourn says the Town of Haubstadt was notified about taking one route to get to the sewer system and it is felt there are other routes they could have explored. Attorney Claybourn feels that the developer approaching the Commissioners for approval is pre-mature and much more work needs to go into this development before Commissioners approve. He feels there is a potential for all parties to come to some consensus. They should decide how/who will handle the sewer laterals and roads. There are zoning issues, plus other issues. He requests that the Commissioners step back and reconsider all of this.

Someone in the crowd says there is a new subdivision in his neighborhood, but they did not get this approved before they installed the first house on agricultural ground. He feels it is a liability and the roads are not ready to handle this new subdivision; there is no room for mailboxes. He advises these neighbors to be cognizant of Reinbrecht's advertising of these lots, as they have his home's address listed on their advertisement. He also feels septic is a problem. He feels they will add bathrooms after the homes are built and permitted, which can potentially cause future problems, as the system cannot handle the extra flow. He feels the clusters exist in Rocky Mountains only. He feels the lots should be bigger, so the number of houses decrease. He sees a problem down the road with shared septic, as some local mortgage originators say it should be disclosed in the deed.

Gary Siebert, consultant for various people in the county, spoke next. He has reviewed the plots and feels the engineering on the septic will work for a while. The HOA, as he understands, will require \$300 per year; he does not feel this will maintain these septic long term. He also feels the water system will not be adequate as the area is sitting on an 18' water table, which is not enough for this big of a development; he does not feel this has been addressed. The engineer that designed this subdivision, has not seen nor had any dealings with these clusters. There has been one in our area, Indian Hills (subdivision in Ft. Branch) had one year ago, with a different design and failed miserably as the Town of Ft. Branch had to take them into their sewer system. The town spent a lot of money to fix this. He feels if this septic boils up in your back yard, it will be a problem. He doesn't feel this type of system is suited for this location. He thinks it spells disaster with long term maintenance issues. Both drainage sites are listed on the IDEM impaired watershed sites listing; he is very concerned about this subdivision and feels there are better alternatives. He told Commissioners the Soil/Water Conservation District is not in favor of this subdivision. Commissioner Fleetwood noted the SWCD's opinion as very important and was not aware of this impaired watershed.

Gene Kiesel's daughter lives adjacent to the proposed subdivision; she owns the property the ditch is on, unlike what was reported by Mr. Beadle of Cash Waggoner. He feels it is going to be problem especially with the concrete addition, houses, etc. and feels it will take a very large retention pond to hold water in rain events. This area takes on a large amount of water now, he had to install a levee on his daughter's property to stop it from cutting across her property. He has not seen the plans but wonders about the roads into the subdivision. He wonders if they will have storm drains installed. No one has a place to put their water; and no one ever puts in a storm drain until it's too late. There should be more checks than what has been done.

Scott Hasenour is a neighbor to Mr. Kiesel's daughter, the important thing to remember and to also make everyone, including the Reinbrecht's, is when you have a large rain event bringing 3-4" rain, the rain

backs up in this area. He has a levee approximately 4' in height to keep the water from getting into his home and they have a 2' culvert installed. The water goes over the 4' levee and over the culvert. There is enough backed up water in the field system that a child would drown if they fell into this. It cuts a 10'-15' hole in his yard from the pipe. As much water as they have now, he does not feel the area will hold homes as water stands in the area approximately 3' deep, he especially does not see how basements can withstand this water. He cannot imagine anyone wanting to put a house in this watershed. He feels that since it is backing up, it is not getting thru at Pigeon Creek where it goes under Highway 41, so there is nothing to do to change drainage unless they change Highway 41; he says CR 975 near him floods as well and it is not drivable in heavy rain events. He says the whole thing seems wrong; he feels sorry for anyone that might build in the area; he feels sure you would not want a septic system in the area. He invited everyone out for observation during a rain event. He has seen the flooding firsthand many times. Commissioner Fleetwood does not feel the commissioners should promote this to young kids when first starting out to magnify their problems; young people could not handle this sort of problem. Mr. Hasenour does not feel the septic systems will work because of the water problem already there. The Hasenour property is high, but he feels everyone should understand what is going to happen if they approve this. He feels this water is a huge concern. There is field tile in the field now and it can only handle so much as it already comes over his 4' levee. Commissioner Fleetwood asked if Highway 41 was raised some years ago, he said yes, but this increased the water retention problem in his area. Gary Seibert says misconception is they look for lots in 100-year flood plains, they do not account for flash floods. There are 1000's of acres of land that flood in Gibson County. In their plans, the 43.9 cubic feet per second discharge turns into 53 cubic feet per second afterward. He did not feel these calculations were correct. Gene Kiesel wonders if they have checked on the roads, as he does not feel the road is wide enough. He wonders if they can access Highway 41 by their drives as this would help the county road. Attorney Spindler read into the record some of the subdivision language from the ordinance. It says following the public hearing, the Commissioners may approve the primary plat, approve subject to conditions, or revert to the subdivision review committee or review or study on a specific technical matter or disapprove it. The Commissioners may require such changes or revisions as are deemed necessary in the interest and needs of the community. Approval of a primary plat shall not constitute approval of a final plat, rather deemed an expression of approval to the layout submitted on the primary plat as a guide to the preparation of the final plat and shall permit the subdivider to proceed with construction of improvements for which designs and specifications shall have been approved by the appropriated agencies. Approval of the primary plat will terminate two (2) years after the date of approval unless further extended by the Commissioners upon written request of the subdivider. Commissioner Key feels everyone had very valid points, Commissioners have no way to govern storm water currently. She understands about Haubstadt zoning, but it is not related to the county. The Health Department has signed off on the State's approval. It is a rock/hard place – she understands all the concerns, including the roads, but Highway 41 is not the county's issue to deal with. She feels this has passed the subdivision committee and the Health Department so now she is not sure how to deal with all the concerns; the subdivision has passed everything the county has control over. Commissioner Fleetwood says he can see them coming in and using acre lots and each lot having their own septic with a tank and a field bed. He could also see, as a developer, seeking out city sewer, for a maintenance issue if nothing else. He feels those two avenues are reasonable, but to hear the health department say they have never had a cluster septic in Gibson County, he is not in favor of this idea, nor does he feel it is a good fit for Gibson County. President Montgomery feels the same way as this area has too much greywater and it will all come to the top. Commissioner Fleetwood asked if Cash Waggoner is expecting a vote tonight. Mr. Beadle feels they have heard the concerns tonight for the first time and they will go back and investigate the cluster systems more; they trust the engineer that took care of this matter. There are still concerns about the flood waters and they would like to look at those firsthand, they looked at drainage area as an overall. They tried to address this in their plans by designing it for a 50-year storm event and out letting less than a 10-year undeveloped condition. Even though there is no drainage ordinance in place, they addressed it anyway. They will get clarification from Haubstadt on the zoning/rezoning. This is the first time this has come up and they will get clarification. John Howe says all prior Haubstadt info has stopped at the corporate line; this is out of corporate limit, thus the reason the subdivision committee did not go thru them. Attorney Claybourn says

Haubstadt has a map on their website and it includes the 2-mile radius; he feels all this should be addressed before this moves forward. He wonders if Commissioners should refer it back to the Subdivision Committee. Commissioner Fleetwood explained that the Subdivision Review Committee is led by the Surveyor, the GIS director, and the Assessor. They are the catalyst for responsible development as well as working to protect citizens from adverse conditions in development. Commissioner Fleetwood asked John for their first response to the cluster septic. John explained that they had referred the septic issue to the health department. The subdivision committed does not evaluate the majors. They ensure that all items required to be submitted are submitted but they do not make an opinion on any of those items. They are only checking the boxes. Both Commissioner Fleetwood and Montgomery feel there are unchecked boxes. Commissioner Key feels the Engineer/Developers are willing to go back and review all items brought up tonight. The cluster septic can be discussed with owners/developers; they went thru the right process to get the approval. If they had the ability to cross neighbor's property to connect to sewer, that would be best, but Mr. Beadle does not feel they have any neighbors willing to grant the easement. He says that everyone knows housing is a major issue in Gibson County and the Developer is trying to address this issue. Commissioner Montgomery feels it will come back on the county if it is not done right the first time. Commissioner Key feels they have addressed the cluster septic by asking the experts for the design. Health Department employee, Ben Dye, says Dubois County has a cluster system and they feel it is a far better way to treat your septic system. Scott Hasenour asked if they could see the plots to see how the lots are laid out. He wonders if they have seen the roads and the water during these rain events. Phil Reinbrecht trusts Cash Waggoner, as this is what they do every day; they have been on the road and measured. Commissioner Montgomery asked if Reinbrecht had ever used a cluster septic; they have not, Ben brought this idea to them. Mr. Hasenour asked if they were concerned after hearing about the flash flooding in this area; the developers feel the experts have the water drainage under control, otherwise, Cash Waggoner would have told Reinbrecht they could not control the water and they would have backed off. Mr. Hasenour feels they need to get real about where these houses are going; they should see the water coming off the property. Attorney Claybourn suggests the Commissioners not approve this tonight. Attorney Spindler feels the Commissioner can table this item until Reinbrecht Development does more studies. Commissioner Key motioned to table discussion for further study on both sides; the county needs and wants correct development. Commissioner Fleetwood asked if they table the discussion tonight would the Developer be coming back to Commissioners with a cluster septic; Reinbrecht does not feel there is another option even though their number one choice would be a sewer system. There is a current easement, but it is listed as a water easement only. Unnamed audience members asked if they tried to dig a sewer line in a water only easement to a property that is zoned as agricultural, not zoned as residential; she feels they have ethical issues, not legal issues. Commissioner Fleetwood clarified that Haubstadt is open to the development; he feels there should be a way to work this out with them. Commissioner Fleetwood says if they plan to come back to Commissioners with a cluster septic system, he is ready to vote on this. Commissioner Key has a motion, she does not want to stall, she would like to see if something can be worked out. She feels looking into the cluster is an option and Dubois County is close enough to explore this system. She feels they are owed that opportunity. Attorney Spindler asked if they have exhausted all properties to get to a Haubstadt sewer connection. Reinbrecht Development does not know who else they could talk to as they have talked to the adjacent property owners, and they are not willing to give easements; a Ft. Branch connection would be exorbitant and not feasible. Commissioner Montgomery will talk to Dubois County to see if they can look at the clusters and see what they think of these systems. Someone in the audience does not feel the HOA fee at \$300 is enough to maintain a septic system and roads, someone else explained the \$300 is a preliminary number. Commissioner Fleetwood explained the County is having difficulty with HOA's coming in and telling the county there is not enough money in the HOA to maintain their roads and they want the county to add their subdivision to the county's road inventory. When looking at clusters-septic systems, the county must make certain they are not in a flood plain. Commissioner Fleetwood was told these clusters were used only in dire situations and he feels they are ½ mile from town and sewer connections should be a viable option. Commissioner Key feels they could repeat this over and over, but there is a motion to table to show the developer good faith in more review and to give another opportunity to figure something else out. Larry Michel feels there are many other

items that need ironed out; he is concerned with septic but also streets roads, low water table, and septic seepage. The Health Department probably only checks the permeability of septic systems with soil borings. He would hate to see someone spend \$30,000 on a lot and then not be able to put a septic system on the lot. He feels the water table issue is very important. Commissioner Key wants to table this until they can figure out some of these issues, seconded by President Montgomery. The vote was 2-1, with Commissioner Fleetwood casting the nay vote. Commissioner Montgomery will go to Dubois County this week and check on the clusters systems. Commissioner Fleetwood feels factually the clusters fail 10-15 years down the road. Public hearing was closed at 6:30 p.m.

Health Department - Director Hornby says average new COVID cases per day is 86.1 for January, the highest ever. She asks the public to be thoughtful and if sick, stay home, wear a mask. If you are still sick after 5 days, stay home. Only go to work if you feel better, then wear a mask. The Health Department will continue to instruct everyone to observe the 10 days, rather than 5 days to error on the side of precaution. She says if you were ever planning to help do anything to help the spread, do it now. The whole state of Indiana is red right now. Schools are probably going to go to virtual learning. They are currently out of rapid tests. They send the tests out to a lab for results, and it is taking some time to get them back due to the high velocity of tests being conducted.

Peabody Coal Road Agreement for CR1025 S/1225 E & New Gravel Road CR950 S – Peabody is not present tonight, but at the last meeting, they agreed to make an addition to CR 950, and this will be permanent. Commissioner Key motioned to approve the road agreement, seconded by Commissioner Montgomery. The vote was 3-0.

Teamsters Contract Agreement – Commissioner Fleetwood asked if Councilman Overton was present. According to Commissioner Fleetwood, the paper says he is very interested in working with the Commissioners, but he is not here tonight. Commissioner Fleetwood asked if anyone knew why he was not in attendance. Commissioner Fleetwood asked Commissioner Montgomery if he attended the Council meetings. Commissioner Montgomery said he had attended quite a few of them. Commissioner Fleetwood was glad Commissioner Montgomery took the interest to attend. Commissioner Fleetwood clarified that Commissioner Montgomery was delegated to the Union Contract. He went on to explain that Commissioner Key has projects she works on as does he. He says that all have projects, and they are all busy. He feels if Councilman Overton wants to work with the Commissioners and work things out, then he should be here tonight. Commissioner Fleetwood does not recall ever seeing him at a meeting, he hopes he can come to one soon. Lastly, Commissioner Fleetwood feels Councilman Overton wants to run to the paper and spread false quotes. He is amazed that he is not here tonight. Commissioner Fleetwood closed on that note. Attorney Spindler has set up times for discussion to bring people together. Commissioner Fleetwood asked again where Councilman Overton was at. Council President Overton texted Attorney Spindler that he was tested for COVID this morning and does not have test results. Attorney Spindler has been talking to the Council understanding their collective position and he feels they should attempt to resolve this issue in a less formal process such as a settlement conference or more formal process, which would include a mediator. He has names of mediators in this subject area; it might be difficult to find a mediator with experience in both labor law and governmental law. One mediator came highly recommended, and it is a Mr. John Van Winkle. He is available on January 21 or 26 and he can be available in person, but zoom would be his preference. Attorney Spindler recommends they give an effort to resolve with a mediator in which Council, Commissioners, Union Leadership, and Auditor's Office would all be present. Commissioner Key feels they should come to an agreement, she does not feel they should fight, it should be peaceful and organized. Commissioner Montgomery said he set in on everyone's budget session and wages, and anyone that ask about wages, Councilman Overton told them the Commissioners would set that, but when they set it, the Council won't agree; he doesn't recall the Council every wanting to be a part of negotiations. Commissioner Fleetwood wants to point out to the media/press that there have been fingers pointed at him that he was not a part of. He has not been negotiating this contract and he does not understand why he has had fingers pointed at him. He wants to

quit playing politics and be honest; he would like to work it out. Commissioner Key motioned to follow Attorney Spindler's recommendation of mediation and suggestion to come a conclusion. An unknown audience member asked who would pay for the mediator; the Commissioners would pay this cost. Commissioner Fleetwood seconded the motion, but there was no vote. Rick Voyles, teamster's representative says he has represented the county for over 20 years. They have historically negotiated with Commissioners, same as this year. Commissioner Montgomery made certain most Commissioners would be ok with the negotiations; he checked with the Auditor on a few things, and everyone voted overwhelming on this contract. Now the Council wants it changed. He does not understand that after negotiating in good faith why there is a problem. Commissioner Key clarified that she saw the changes in the contract the morning after the highway department voted. So, she does not agree that she was okay with the contract, and she does not agree on all of it. Mr. Voyles explained that he dealt with the person they designated he deal with. He was told most of the Commissioners agreed with the contract; and that is why they put it to a vote, otherwise he would not have taken it to a vote. He asked the Commissioners to ratify this contract like he promised his union members. Commissioner Montgomery says he worked for the County for 36 years and the Council was never involved in this process unless there was money, a raise, involved. The Council approved a \$.50 raise and Commissioners approve the benefits. Commissioner Key does not feel they should pass this contract on until the EMS contract is finished. Mr. Voyles disagrees with this. Commissioner Key explained that the Council controls the money and the union agreed with the \$.50 per hour wage increase. An unknown audience member asked how much would be spent on a mediator; he feels it is nonsense to spend money on a mediator because this is not a divorce. He feels the taxpayers voted Commissioner Montgomery in to do what was best for the county. Cecil Bob Allen felt if Council approved the \$.50 per hour wage, then a vote should be taken tonight to ratify the contract. Commissioner Key says there are other potential unfunded monies in this contract. Someone ask what that was and Commissioner Key replied comp days. Mr. Voyles says the comp time is set up as a "use it or lose it", which is not an unfunded mandate. She did not feel she read it as use it or lose it. Mr. Voyles told her she was not reading it correctly. Commissioner Montgomery says it will not be comp time like when a former highway employee left and the county had to pay him \$6,000 for comp time; Commissioner Key says she is not reading it this way, thus she cannot vote on this until she is clear on what it says. Several people start talking- one asks the Commissioners to get the clarification and vote on it, don't use a mediator. Commissioner Key says she would agree with that. Mr. Voyles and Commissioner Montgomery say again the comp time is use it or lose, it is time off. There are a lot of people talking, so not everything is captured. Commissioner Montgomery says you cannot turn down an overtime pay and get paid for it again, it is just time off. There are a lot of people talking, so not everything is captured. Commissioner Montgomery tells an audience member that the way the contract is written now, if you do not use comp time in the year you earn it, you lose it, just like your personal days. Sick time is allowed to build up. Attorney Spindler asked only one person at a time to speak. Commissioner Fleetwood asked Mr. Voyles to clarify comp time. He said once it is established, if 25 hours of comp time is accumulated, and it is getting close to year end; they cannot ask the county for pay them for this time. What he is saying, if they don't use that comp by December 31st, they lose it so there is no unfunded liability. That is what they threw out to the County because the guys at the highway department like comp time, but they also knew about the unfunded liability issue some years ago and they did not want to get into that again. Thus, their suggestion was this use it or lose it is. This seemed fair, it is not an unfunded liability and up to each employee to see that it is used, and he is pretty sure they will use it. Commissioner Fleetwood spent last weekend reading 2-3 hours trying to learn about laws of the public sector which is different than private sector. If a department head stipulates or intercedes as there is a blizzard coming and no comp time can be taken. Mr. Voyles agreed with Commissioner Fleetwood statement. Commissioner Key asked if 15 guys accumulate and by year-end, they each have 4 weeks each of comp time. They take off the month of December. The superintendent can determine how many people can be off, he thinks they contract state how many can be off at one given time; the business must continue to run. Superintendent Johnson says this goes by seniority; seniority prevails always. It is Superintendent Johnson's determination. Commissioner Montgomery says in October of each year, the secretary at the highway department will tell all of them how much comp time they have and they know they must start using this comp time. This gives them three months to know they must start using their

time. Commissioner Key has questions that she would like cleared up before she votes on the contract. Commissioner Key admits that she has not talked to Mr. Voyles. He replied that he, historically, has always negotiated with the Commissioner they put in charge of this item. He thought the majority of the Commissioners were in agreement with the contract and that is why they took it to vote. Now, for him to go back to the union members and tell them that the Council does not agree, and they are going to mediation to possibly make changes to the contract that has already been voted. He fears they will have to revote the contract again. The members are happy, and the contract has been voted on. Commissioner Key clarified that both other Commissioners might have known what was in the contract, but she did not know. She feels the lateness of negotiations did not help the matter; she does not have a problem with the raise the Council granted, but she wants to settle the matter. Commissioner Fleetwood asked if there was any truth in what Councilman Overton is saying that it will cost the County more money, as he disagrees with this statement. He does not feel there is any monetary hold on this contract, it will not cost the county anymore. Commissioner Key feels this needs discussed so she and everyone understand it. Commissioner Fleetwood asked if Auditor Watkins had any questions about the contract. Auditor Watkins explained he was from the private sector and if you have overtime turned into comp time, it had to be done within the pay period and if not, it had to get paid as that was actual time worked per the Department of Labor. He wonders if the county would be in trouble with Department of Labor with this new policy. Mr. Voyles is not a comp time person as he wants the money, but he understands the county's concern of the unfunded liability and that's why they voted as they did. He wants Commissioners to pass this contract. Commissioner Fleetwood asked if Auditor Watkins felt better about the comp time. Auditor Watkins said he just was used to the private sector as he didn't want to cheat employees out of their time since on the private sector, they had to be paid; Auditor Watkins was only verifying this was going to be allowed in public sector. Commissioner Fleetwood asked if he had any other questions or concerns. Auditor Watkins replied that it is going to be a record keeping issue. Commissioner Montgomery says the highway secretary will keep these records; he did not realize it would be turned over to auditor. Auditor Watkins tried to explain the record keeping process and how the comp time is turned into dollars so the overtime line in the budget does not go into the red. The comp time is for highway department only, as no other departments get much overtime. Highway Department employee says not all 37 employees will take comp time; some will take the money. There is a lot of talk that cannot be captured again. Larry Michel feels the Council and Commissioners need to hold a joint meeting to discuss this. Commissioner Fleetwood motions in good faith to discuss with Council one more time and explain that comp time will not cost a red cent, Commissioner Montgomery stated he will not be there. Mr. Voyles feels they did negotiate in good faith, the members voted in good faith, and he feels at one point all Commissioners were on board for this. Attorney Spindler told Mr. Voyles that his discussion was well presented, there is a motion to proceed, and to clarify, he stated the raise had not been given, but it has been budgeted. He feels it is pertinent to give a shot at a resolution satisfactory of both governing bodies. Commissioner Montgomery does not feel the Council should always be in on the negotiations. There are a lot of people talking that cannot be captured. Per highway employee, the paper says the Commissioners negotiate the contract and the Council the money. Cecil Bob Allen feels if all Commissioners have agreed, and Council gave raises, then call for a vote. Attorney Spindler explained the Council may take other actions in negative manners. Mr. Voyles feels it petty of the Council to deny the raise because they were not in on the negotiations. He also questioned whether nonunion employees received a raise but not union employees. Someone asked what would happen to the money they budgeted for the wages. They were told that it stays in the general fund. Mr. Voyles feels they are caught in the middle and not fair to the employees. He thought the Council already authorized a \$.50 per hour raise, the Commissioners should ratify the contract. Commissioner Fleetwood is afraid we end up having the same conversation, but he feels they should have an executive session and offer an olive branch, so Commissioners are not accused of not trying to communicate. Attorney Spindler recommends they talk with Council. Commissioner Key motion was still on the floor, Commissioner Fleetwood seconded the motion. The vote was 2-1 with Commissioner Montgomery casting the nay vote. Mr. Voyles told Commissioners that he is very disappointed. Attorney Spindler told him they would have another meeting and he will be invited to the settlement negotiations. Mr. Voyles told Attorney Spindler there would be no settlement, this is the negotiated contract, but he will be at the meeting to explain to Council

what has been negotiated, providing his schedule allows. Commissioner Montgomery told Mr. Voyles that he hoped he would make the meeting, as he will not go. He does not feel the Council has the right. Commissioner Montgomery stated he would not meet with the Council unless he brought a bigger gun than what he had in his pocket now.

Independent Contractor Agreement for ARPA – Debbie Bennett-Stearsman –Attorney Spindler has reviewed and approved the circulated contract @ \$2500 per month for first phase. Attorney Spindler has talked with all ARPA members, and they approved. Commissioner Fleetwood motioned to approve this contract, seconded by Commissioner Key. The vote was 3-0.

Motion to Recess the Commissioners Meeting for Finance Committee Meeting

Commissioner Key motioned to recess into finance committee, seconded by Commissioner Fleetwood. The vote was 3-0.

Finance Committee Meeting –. Mary Ann O’Neal commended her department on their good work; she said she could not do her job without her office, and she is very thankful for her employees. – January 19, 2021, the Finance Committee met, and she asked for approval of those minutes. Commissioner Key motioned to approve 1/19/21 minutes as submitted, seconded by Commissioner Fleetwood. The vote was 3-0.

Next, the Finance Committee reorganized for the 2022 year. Nomination for President of the Finance Committee came from Commissioner Fleetwood, he nominated Commissioner Key, seconded by Commissioner Montgomery. The vote was 3-0. The nomination for Vice President came from Commissioner Montgomery when he nominated Commissioner Fleetwood as Vice, seconded by Commissioner Key, vote of 3-0. Commissioner Key nominated Treasurer Mary Ann O’Neal as Secretary of the Finance Committee, seconded by Commissioner Fleetwood. The vote was 3-0.

Treasurer O’Neal gave her investment report to the committee, it is consistent interest at German American at .05%. They changed the account types at German American and the interest came in middle of the month, rather than at the end of month, which is why October looks like less. The interest is considerably lower than in 2019 and 2020. A readout of taxes by unit was passed out to the Finance Committee, the total is at bottom for each district. The total county collection rate is 98%. There is a comparison from Spring of 2020 to the Spring of 2021 so they can review. There are 2-year-old warrants that require voiding in the amount of \$354.85 and a total 12 checks; one check was reissued. Write offs were approved with a motion from Commissioner Key, seconded by Commissioner Fleetwood. The vote was 3-0 to void outstanding warrants. A report showing the ending balance at the end of December 2021 in the checking account. The last page also gives the amounts in TIF accounts as they are in a separate bank. The monthly comparison reports show the Treasurer balances with the Auditor. Lastly, they have given an assessment of what Toyota and the spin off companies pays broken into comparisons of 2017 pay 2018 into 2020 pay 2021. DLGF gives tax rates comparison between the 2022 rates and 2021 rates. Treasurer O’Neal will present a contract for commissioners to approve of their mailing company. The Finance Committee meeting adjourned with a motion from Commissioner Fleetwood, seconded by Commissioner Montgomery. The vote was 3-0

Motion to Reconvene the Commissioners Meeting - Commissioner Key motioned to reconvene the regular Commissioner’s meeting, seconded by Commissioner Fleetwood. The vote was 3-0.

Public Hearing on Proposed Lease Between Gibson County, Indiana Facilities Building

Corporation and Gibson County – The Public Meeting opened at 7:35, but no one was present to express concern, thus the meeting closed.

Lease for Gibson County Correctional Facility Project Resolution 2022-01 –. A Resolution to approve the lease was originally presented on 12/7/21 the Resolution 2022-01 Resolution to Board of Commissioners Approving the Execution of a Lease for Certain Jail Facilities and Authorizing Certain

Actions. Commissioner Key motioned to the resolution 2022-01, seconded by Commissioner Montgomery. The vote was 3-0.

Major Medical Leave (4) - was approved by Commissioners with a motion from Commissioner Key seconded by Commissioner Fleetwood. The vote was 3-0.

Byron Christie Conflict of Interest Disclosure Statement – Mr. Christie submitted this conflict of interest. Commissioner Montgomery motioned to approve this disclosure, seconded by Commissioner Fleetwood. The vote was 3-0.

Michael Stevenson Conflict of Interest Disclosure Statement – Mr. Stevenson submitted this conflict of interest as he has a prospective appointee of the Park’s Board. Commissioner Fleetwood motioned to approve this disclosure, seconded by Commissioner Key. The vote was 3-0.

Attorney Spindler asked to bring up a couple of other items.


Circuit Court Window Installation - Judge Meade wants windows installed at the entrance of the circuit court room, and he would like to install those vertically.


Probation Building Bids - Bids were opened on the Probation building, low bid was submitted by Danco; they had previously rejected bids, but Danco was low bid at that time as well. The low bid this time is \$1,090,000 which is up from last bid but does include all site work. Attorney Spindler ask that Commissioners approve awarding this bid to Danco assuming the money is approved by Council. Commissioner Key motioned to approve the low bid from Danco, seconded by President Montgomery. The vote was 3-0.

Patty at Chamber of Commerce invited everyone to the Farm Bureau Ag Day Annual Breakfast on 3/19/2022 at 8:00 a.m. at the Knights of Columbus. She also invited all those running for an elected position to the political forum. You must RSVP and put on your name on the agenda.

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

Minutes from the January 18, 2022, Meeting.


Kenneth Montgomery, President


Mary B. Key, Vice President

Warren Fleetwood

Warren Fleetwood, Commissioner

Mike Watkins

ATTEST: Mike Watkins, Auditor