
Gibson County Board of Commissioners
Regular Session
September 15th, 2020

The Gibson County Board of Commissioners met in Regular Session on September 15th, 2020, at 5:30 PM at the North Annex Meeting Room.

Members Present: Included President Gerald Bledsoe, Vice-President Mary Key, Commissioner Stephen E. Bottoms, Administrative Assistant Kay Vore, County Attorney James McDonald III, and County Auditor Sherri Smith.

This meeting was broadcast using Zoom and social distancing was observed.

The Pledge of Allegiance to the Flag and Welcome were recited and led by President Bledsoe.

Minutes: The minutes from the July 30th special meeting and the September 1st, 2020 regular meeting were read and approved through a motion by Commissioner Key and seconded by Commissioner Bottoms. With no further discussion, the Motion carried 3-0.

Claims:

County General - \$99,075.49
Courts - \$4,795.60
Highway - \$169,808.95
Sheriff - \$7,027.74
ACH - \$20,043.52
CAW-1 - \$29,709.15
CAW-2 - \$3,258.31

Ditch Claim & Tax Sale Redemption - \$9,891.00

Payroll for 09/11/2020 - \$361,890.24
Payroll Deductions - \$162,694.14
Jury Claims - \$2,508.07
Pauper Check Claims for \$1,572.00
Pauper ACH Claims for \$3,014.00
Jury Trial Expense and August Medical Insurance - \$401,436.90
September 2020 Life Insurance for Non-Union - \$75.00

Commissioner Key made a motion to approve the claims, seconded by Commissioner Bottoms. With no further discussion, the Motion carried 3-0.

Visa from Surveyor's office was reviewed and approved by the Commissioners. Commissioner Bottoms motioned to pay the claim, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Presentation of Treasurer's Report

- Treasurer's Report Month Ending 08/31/2020 was acknowledged by the Commissioners.

EMS requested write-offs in the amount of \$3,179.80. Commissioner Key motioned to approve this write-off amount, seconded by Commissioner Bottoms. With no further discussion, the Motion carried 3-0.

Department Reports:

No Reports Given

Old Business:

- Bids were opened for roadway project – Turn Lane at US 41 and CR 350 South

Ragle Inc. \$224,809.35
Blankenberger Brothers \$256,215.00
Koberstein Contracting Inc. \$195,332.00
E&B Paving LLC \$228,914.00
Deig Brothers \$272,464.45

This item was tabled for Engineer review by a motion from Commissioner Bottoms, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

- I69/SR64 Sanitary Sewer Project – Phase 1 Bid Recommendation – United Consulting reviewed the nine (9) bids received on September 1, 2020. They recommend rejection of the apparent low bid from Segal Ag Works due to failure to provide a copy of their drug policy program. There were 3 bidders with adjustments as noted. The total bid amounts ranged from \$290,000 up to \$489,878. United Consulting recommends awarding this bid to the lowest, most responsive and responsible bidder of Midwest Mole Inc. @ \$321,856. United Consulting would like a notice of award on this project.

Commissioner Bottoms motioned to reject the Segal Ag Works bid due to failure to comply with the bid documents, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Commissioner Bottoms motioned to accept the bid from Midwest Mole, Inc. of \$321,856, as the lowest, most responsive and responsible bid, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Commissioner Bottoms motioned to award the I69/SR64 Sanitary Sewer Project – Phase 1 Bid to Midwest Mole, Inc. as the lowest, most responsive and responsible bidder, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Commissioner Bottoms motioned to suspend the current meeting and go into the Public Hearing, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Commissioner Bottoms motioned to open the Public Hearing to reaffirm, certify, and adopt the previous adoption of the Gibson County Comprehensive Land Planning (Zoning) Ordinance 2020-05, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Commissioner Bottoms motioned to accept The Gibson County Comprehensive Land Use Planning (Zoning) Ordinance, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Commissioner Bottoms motioned to adjourn the hearing, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

Commissioner Bottoms motioned to re-open the Commissioner's Meeting, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.

- **Resolution No. 2020-05** of the Gibson County Board of Commissioners Reaffirming, Certifying, and Adopting the Gibson County Comprehensive Land Use Planning (Zoning) Ordinance was read aloud by County Attorney McDonald.

WHEREAS, the Gibson County Board of Commissioners ("Board of Commissioners") recognizes the importance of planning for the future growth and development of Gibson County;

WHEREAS, in November 2017, the Board of Commissioners appointed the Gibson County Advisory Plan Commission ("APC") to study the adoption of a comprehensive plan and zoning ordinance under IC 36-7-4-500 seq. and IC 36-7-4-600 seq.;

WHEREAS, the APC studied and prepared for adoption the Gibson County Comprehensive Land Use Planning (Zoning) Ordinance ("Plan Ordinance") throughout 2017 and 2018 and held an organizational meeting on December 11, 2017 and 4 public hearings to discuss the Plan Ordinance on December 18, 2017, January 3, 2018, January 24, 2018, and February 22, 2018;

WHEREAS, in addition to these public hearings, the APC held 6 public working and drafting meetings on February 2, February 9, February 12, February 13, and February 14, 2018, at which it discussed the content of the Plan Ordinance;

WHEREAS, in March 2018, the Board of Commissioners issued a stay of APC activities, which it later lifted in January 2020;

WHEREAS, the APC resumed its study and preparation of the Plan Ordinance, including holding an organizational meeting on January 22, 2020 and 2 public hearings to receive public testimony on the Plan Ordinance on February 5 and July 29, 2020;

WHEREAS, in addition to these public hearings, the APC also held 8 public working and drafting meetings on January 28, January 31, February 18, February 28, March 12, July 9, July 14, and August 12, 2020, to discuss the Plan Ordinance's content and make recommendations;

WHEREAS, at the conclusion of its public meeting on August 12, 2020, the APC unanimously certified, approved, and recommended the Plan Ordinance by a 9-0 vote to go before the Board of Commissioners for adoption;

WHEREAS, the Board of Commissioners, pursuant to IC 36-7-4-606(b)(1), prepared public notice of its intent to consider the adoption of the proposed Plan Ordinance at its August 18, 2020 public meeting, which was to be held at the Toyota Event Center Fairgrounds in order to accommodate anticipated large public turnout and comply with safety requirements in light of the ongoing COVID-19 pandemic;

WHEREAS, on August 14, 2020, the Board of Commissioners shared said legal notice of its August 18 public meeting by posting copies of the notice outside the Gibson County Commissioners Chambers in the North Annex and the Toyota Event Center Fairgrounds, as well as emailing copies of the legal notice to local media outlets that had previously filed annual requests with the Board of Commissioners for such notices to be provided;

WHEREAS, on August 18, 2020, following public testimony, the Board of Commissioners unanimously adopted the Plan Ordinance by a 3-0 vote;

WHEREAS, following the Plan Ordinance's adoption, the Board of Commissioners has been threatened with litigation from a remonstrator group alleging that the legal notice of the public meeting violated Indiana's Open Door Law because the notice was not emailed directly to a certain reporter's email address, despite the reporter's company receiving notice and the reporter attending the August 18 public meeting;

WHEREAS, to placate the remonstrators' concerns and avoid protracted litigation at the public's expense, and with no admission that the process in which the APC and Board of Commissioners went about adopting the Plan Ordinance violated the Indiana Code, the Board of Commissioners now again reaffirms, certifies, and adopts the Plan Ordinance, after issuing a revised legal notice to include said reporter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF GIBSON COUNTY, INDIANA THAT:

RESOLVED, the Plan Ordinance, duly adopted on August 18, 2020, is hereby reaffirmed and again certified and adopted as Gibson County's Plan Ordinance, as provided in IC 36-7-4-600 et seq, and the Sample Fee Schedule included as Appendix E of the Plan Ordinance is hereby formally adopted as the official Plan Ordinance fee schedule for Gibson County, and all prior actions of the APC and Board of Commissioners with regards to said Plan Ordinance are hereby reaffirmed and approved.

Commissioners Bottoms motioned to accept the resolution of the Gibson County Board of Commissioners Reaffirming, Certifying, And Adopting the Gibson County

Comprehensive Land Use Planning (Zoning) **Ordinance 2020-08**, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.


New Business:

- Major Medical Leave (2) were reviewed, but not discussed. Commissioner Key motioned to approve both leave's, seconded by Commissioner Bottoms. With no further discussion, the Motion passed 3-0.
- **Bid for roadway project – Turn Lane at US 41 and CR 350 South** - Commissioner Bottoms motioned to reopen the meeting to consider the bid award for this project, seconded by Commissioner Key. With no further discussion, the Motion carried 3-0.


United Consulting recommended the Council accept the bid from Koberstein Contracting Inc. in the amount of \$195,332.00, pending the verification of one-unit price. Commissioner Bottoms motioned to award this project to Koberstein, pending the recommendation of the Engineer and County Attorney, seconded by Commissioner Key. With no further discussion, the Motion passed 3-0.

With no further business, Commissioner Key motioned to adjourn the meeting, seconded by Commissioner Bottoms. With no further discussion, the Motion carried 3-0.


Minutes from the September 15th, 2020 Meeting.




Gerald Bledsoe, President



Mary Key, Vice-President



Stephen E. Bottoms, Commissioner



ATTEST: Sherri Smith, Auditor