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Gibson County Board of Commissioners  
Regular Session  
July 3, 2012

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The Gibson County Board of Commissioners met on July 3, 2012, at 8:00 AM at the North Annex Meeting Room.

Members Present: Gerald Bledsoe, President, Alan Douglas, VP, Bob Townsend, Commissioner, Kay Vore, Administrative Assistant, Jim McDonald, County Attorney and C.T. Montgomery, County Auditor.

The Pledge of Allegiance to the Flag was recited and led by Gerald Bledsoe.

Minutes: The minutes from June 19, 2012 and June 29, 2012 special called meeting were read and approved through a motion by Bob Townsend and seconded by Alan Douglas. Motion passed 3-0.

Claims:

County General	\$184,192.31
Courts	\$ 8,626.43
Highway	\$267,347.85
Sheriff	\$ 27,299.85
Payroll (6-29-2012)	\$279,186.14

Alan Douglas made a motion to approve the claims and was seconded by Bob Townsend. Motion passed 3-0.

Department Reports:

Weights and Measures Gary Dawson gave his monthly report.

Health Department Jennifer Schatz asked commissioners to consider an ordinance to regulate Tattoo and Body Piercing. The purpose of the ordinance is to safeguard public health and assure that tattoo establishments and/or body piercing establishments limit the public risk to patrons. Commissioners will take the proposal under advisement.

EMA Terry Hedges asked commissioners to approve Resolution 2012-6 Gibson County Disaster Recovery Plan amended from Resolution 2009-4. Alan Douglas made a motion to approve Resolution 2012-6. Bob Townsend seconded the motion and the motion passed 3-0.

**Resolution No. 2012-6**  
(Amendment to Resolution 2009-4)  
**GIBSON COUNTY COMMISSIONERS**

**GIBSON COUNTY DISASTER RECOVERY PLAN**

**WHEREAS**, the U.S. Economic Development Administration (EDA) recognizes the need to provide a strategy for disaster recovery and long-term economic development in Gibson County; and,

**WHEREAS**, the US. Economic Development Administration (EDA), in partnership with the Indiana Office of Community and Rural Affairs (OCRA) have provided grant funding to develop a Disaster Recovery Plan for Gibson County; and,

**WHEREAS**, Indiana 15 Regional Planning Commission and the Economic Development Coalition of Southwest Indiana partnered to assist the Gibson County Commissioners to develop said Plan, and;

**WHEREAS**, the Gibson County Commissioners have reviewed the final Gibson County Disaster Recovery Plan and find that it reflects the needs of the County.

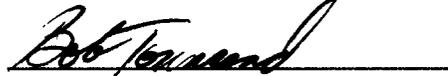
**NOW, THEREFORE, BE IT RESOLVED** that the Gibson County Commissioners approve the Gibson County Disaster Recovery Plan prepared by Indiana 15 Regional Planning Commission and further find that it meets the requirements for the grants administered by the U.S. Economic Development Administration (EDA) and the Indiana Office of Community and Rural Affairs (OCRA).

Adopted this 18th day of June, 2012.

GIBSON COUNTY COMMISSIONERS:

  
Gerald Bledsoe, President

  
Alan Douglas, Vice President

  
Bob Townsend, Commissioner

ATTEST:

  
C. T. Montgomery, Auditor

Sheriff Ballard informed commissioners that his narrow banded radios are now operational. Highway Jerry Heldt gave his monthly report.

Extension Cathy Boerste asked everyone to support the county fair next week.

Old Business:

Auditor C.T. Montgomery asked commissioners to approve Resolution 2012-4 Gibson County Grant Procedures. He informed the commissioners that the resolution has been advertised as requested in the last commissioners meeting. He then read the ordinance which will be considered the first reading. The second reading will occur during the regular meeting on July 17, 2012.

United Consulting gave an update on Bridge #17. He informed commissioners that the bridge should be completed very soon. They have had sub-contracting problems and they have now been resolved and completion is soon on the horizon.

County Engineer John Umpleby recommended to commissioners to award the low bid for Bridge #402 to CLR, Inc. for the amount of \$189,536.90. This includes the required bonds. Bob Townsend made a motion to approve the recommendation. Alan Douglas seconded the motion and the motion passed 3-0.

New Business:

Sheriff Ballard informed commissioners that he has received \$1,800.00 in donations since Deputy Jim Stoll has passed away. He is requesting permission to place a reflection area in front of the County Jail in the lawn. The donations will pay for the marble bench and landscaping. This area will be used to commemorate past fallen deputies and sheriffs. Alan Douglas made a motion to approve the request. Bob Townsend seconded the motion and the motion passed 3-0. Peabody Mining representative Dave Yager presented commissioners with an amendment to temporary road closing agreement.

AMENDMENT TO TEMPORARY ROAD CLOSING AGREEMENT

This **AMENDMENT TO TEMPORARY ROAD CLOSING AGREEMENT** ("Amendment") is entered into by and between GIBSON COUNTY, INDIANA, by and through its Board of Commissioners (the "County") and PEABODY MIDWEST MINING, LLC (herein "Peabody").

**WHEREAS**, on October 18, 2011, the County and Peabody entered into that certain Temporary Road Closing Agreement (the "Agreement") for the closing of certain roadways located in Barton Township, Gibson County, Indiana; and

**WHEREAS**, the County and Peabody desire to amend the Section 8 of the Agreement, without limiting the express or implied rights and conditions heretofore granted thereunder;

**NOW THEREFORE**, in consideration of the mutual covenants and promises contained herein, the sufficiency of which consideration is hereby acknowledged, the parties agree as follows:

1. **Detour.** The County hereby consents to replacing the following language that states "...The Detour Route shall be opened initially as a gravel roadway provided that as promptly thereafter as weather permits Peabody shall cause the Detour Route to be paved to the specifications of the County for a paved road." with amended language that states "...Peabody shall cause an application of Double Chip and Seal to be immediately applied to the Detour Route, which is now opened as a gravel roadway. Peabody shall provide for an additional Double Chip and Seal application in 2013, or as needed on the Detour Route as long as it continues to be utilized as a Detour Route. In the event portions of CR850S (approx. 1,600 ft.) and CR 1150E (approx. 1,300 ft.) that will replace the Detour Route are restored, additional Chip and Seal applications will be applied on an as needed basis, as determined by the road superintendent, until final pavement is applied according to the October 18, 2011 agreement."

2. **Further Consideration.** As further consideration for amending Section 8 of the Agreement, Peabody agrees to pay the cost of P-L oil and the application thereof on CR900S, commencing at the intersection with CR950E, thence east 1.5 miles, one time in 2012 and one time in 2013. In addition, Peabody will reimburse the County in the amount of \$53,927.00, representing cost of materials for placing prime oil and Double Chip and Seal on two and one-fourth miles, more or less, of CR750S between State Road 57 and CR1100E and on one-half mile of CR1100E between CR700S and CR750S, as depicted on the attached **Exhibit "A"**. This is in addition to millings that were placed by Peabody on two miles of CR750S and CR1100E, as required under the October 18, 2011 agreement.

3. **Effect of Amendment.** No other amendment to the Agreement, except as set forth herein, is intended hereby. The Agreement, as hereby amended, is hereby confirmed to be and shall remain in full force and effect.

4. **Authority to Execute Amendment.** Peabody herein represents and warrants that the person designated below is a duly appointed officer of Peabody and is fully empowered to execute this Amendment for and on behalf of Peabody pursuant to the document by which Peabody is established.

Dated: this 3<sup>rd</sup> day of July, 2012.

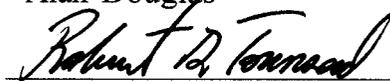
BOARD OF COMMISSIONERS  
OF GIBSON COUNTY, INDIANA



Gerald L. Bledsoe



Alan Douglas



Robert D. Townsend

ATTEST

C.T. Montgomery  
Gibson County Auditor

PEABODY MIDWEST MINING, LLC

Authorized Officer

Bob Townsend made a motion to approve the amendment to the temporary road closure on CR850S. Alan Douglas seconded the motion and the motion passed 3-0.

John Umpleby asked for permission to advertise for bids on Bridges #29 and #30 in September located on CR850W near Highway 165 west of Owensville. Bob Townsend made a motion to approve the request to advertise for bids in September. Alan Douglas seconded the motion and the motion passed 3-0.

Gerald Bledsoe informed everyone present that no more further comment would be received at today's meeting. All commissioners have received numerous calls on the Healthy Living Center, pros and cons.

Bob Townsend had several comments prior to making a motion to support the Healthy Living Center. He made a motion that Commissioners approve the Healthy Living Group's request to take this project to the Redevelopment Commission, that the Redevelopment Commission approves a study or studies that will answer questions such as have been listed, that the property at Highway 41 and CR 350S that has been optioned to be purchased, and that upon satisfactory answers to the due diligence questions that have and will be raised the Redevelopment Commission pursue the methods available to fund the project through tax increment financing. Gerald Bledsoe asked twice for a second on the motion. The motion died for a lack of a second.

Alan Douglas made a motion to decline the request for tax increment financing for the Healthy Living Center. Gerald Bledsoe seconded the motion and the motion carried 2-1 with Bob Townsend opposing.

Tim Lance asked commissioners why he can't get his deed from the Auditor for the property he purchased from the commissioners at their tax sale in February. County Attorney Jim McDonald asked him if his lawyer had petitioned the court for the deed. Mr. Lance stated that his lawyer had. Jim McDonald replied that until the court approves the deed, the auditor cannot give the new owner the deed. At the present time only his lawyer and the court controls the deed.

Mariette House asked commissioners if a letter had been written to the Attorney General. Gerald Bledsoe informed her that he had a call into the Attorney General's office and is awaiting a reply.

Alan Douglas made a motion to adjourn and was seconded by Bob Townsend. Motion passed 3-0.

Gerald Bledsoe  
Gerald Bledsoe, President

Bob Townsend  
Bob Townsend, Commissioner

Alan Douglas  
Alan Douglas, V P

C.T. Montgomery  
ATTEST: C.T. Montgomery, Auditor