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Gibson County Board of Commissioners

Regular Session

September 21, 2010

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The Gibson County Board of Commissioners met in regular session on September 21, 2010, at 6:00 PM in the North Annex Meeting Room.

Members present:

Bob Townsend, Pres.

Don Whitehead

Members absent:

Gerald Bledsoe, VP

Attorney James McDonald

The meeting was brought to order with all present standing and reciting the Pledge of Allegiance.

Minutes: The minutes of the previous meeting, September 7, 2010, were approved with a motion by Whitehead seconded by Bledsoe and passed 3-0.

Claims: The following claims were presented for approval: Payroll, 9/10/10, \$291,174.12; County General, \$394,097.95; Courts, \$17,916.56; Highway, \$758,227.44; Sheriff, \$84,967.70. The claims were approved with a motion by Bledsoe seconded by Whitehead and passed 3-0.

Old Business: Speed Limit Recommendations for 450S, 950E and 400S: Sheriff Harmon reported that the speed limits on 950E and 400S had previously been set and posted however more posting would be put on the roads for better coverage. He recommended that a 40MPH limit be set for 450S from Highway 57 to the County line. A motion to approve the 40MPH limit and posting was made by Whitehead seconded by Bledsoe and passed 3-0.

Contract to Purchase of Property South of Landfill #2: The contract for the land purchase of 6 acres for the purpose of methane monitoring wells has been reviewed by McDonald and sent to the attorney of the owners for review, the price being within the appraisals.

Approve Surveyor for Property South of Landfill #2: Townsend stated he had talked to County Surveyor Stevenson about a recommendation of a surveyor to do this work. Stevenson recommended Greg Kiesel. The recommendation was approved with a motion by Bledsoe seconded by Whitehead and passed 3-0.

Open Bids on Bridge #163: Attorney McDonald opened the two sealed bids received: all paper work was in order on both bids: DK Parker base bid of \$223,172 with deductions \$214,172; CLR Inc. base bid \$191,499. A motion to table the bids for the purpose of review for advisement was made by Bledsoe seconded by Whitehead and passed 3-0. Up to \$200,000 of the expense of this bridge will be paid by the State due to the need for replacement is the construction of I69.

New Business: United Minerals Request for Bond Release for Roads 1300E, 1200E, 450S and Crossings on 450S and 1200E: Bill Gunn representing United Minerals/Black Beauty asked for the release of road sections and crossings of the above roads. Highway Superintendent, Jerry Heldt, and County Engineer, John Umpleby, stated that they had completed an inspection and are within specification for such release. After further discussion a motion to allow the releases was made by Bledsoe seconded by Whitehead and passed 3-0.

RELEASE

Black Beauty Coal Company, LLC, an Indiana limited liability company, whose address is 7100 Eagle Crest Blvd., Evansville, IN 47715 and successor in interest to Black Beauty Coal Company, an Indiana General Partnership, hereby requests from Gibson County, Indiana, by and through its Board of Commissioners, a release of further responsibilities or obligations with respect to certain portions of Gibson County roads listed below and further agree and acknowledge that Black Beauty Coal Company has fulfilled the requirements stated in the applicable agreements and further agree and acknowledge that the respective bonds covering these portions of roads may be released as listed hereunder. Each road or portion thereof listed below is depicted on the attached Exhibit "A" map.

A.	Co. Rd.	Agmt. Type	Length In Feet	Bond Amt.	Bond No.
	1300E	Closure	3,800	\$14,400	105246165

Running south from intersection of CR450S/CR1300E for 3,800', more or less. Original bond(#4001X9352) was reduced by \$25,600 by release dated 5/5/09 and current bond(#105246165) replaced the original bond(see attached copy of 5/5/09 release form). Agreement dated 6/3/06. This request is for the release of the balance remaining(\$14,400).

B.	Co. Rd.	Agmt. Type	Length In Feet	Bond Amt.	Bond No.
	1200E	Closure	3,600	\$13,600	6510684

Running south from intersection of CR450S/CR1200E for 3,600', more or less. The original bond(#5130021099 in the amount of \$92,800) applied to 2.14 miles of CR1200E and portions of CR525S and CR600S. That bond was reduced by \$29,200 as a result of the 5/5/09 release. Agreement dated 6/23/06. This request is for the release of \$13,600. The remaining balance(\$30,000) applies to CR525S and CR600S(Somerville Central Mine).

C.	Co. Rd.	Type	Agmt. In Feet	Length Bond Amt.	Bond No.
	450S	Closure	6,250	\$50,000	61510588306, 41301M

Beginning at a point approximately 1,420' east of the intersection of CR450S/CR1200E, running east a distance of 6,250' (1.25 miles, more or less). Agreement dated 6/23/06. This request is for the release of the entire bond totaling \$50,000.

<u>D.</u>	<u>Co. Rd.</u>	<u>Type</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
	450S	Crossing	\$ 10,000	105246166

Heavy equipment crossing located approximately 2,500' east of intersection of CR450S/CR1125E. The original bond(# 100JY2679) was replaced by the above referenced bond in the amount of \$10,000. Agreement dated 9/15/97. **This request is for the release of \$10,000.**

<u>E.</u>	<u>Co. Rd.</u>	<u>Type</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
	1200E	Crossing	\$ 10,000	400JY2680

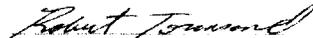
Heavy equipment crossing located approximately 2,000' south of intersection of CR450S/CR1200E. Agreement dated 9/15/97. **This request is for the release of \$10,000.**

<u>F.</u>	<u>Co. Rd.</u>	<u>Type</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
	450S	Crossing	\$ 10,000	64S104059313BCM

Heavy equipment crossing located approximately 550' east of intersection of CR450S/CR1200E. Agreement dated 5/02/03. **This request is for the release of \$10,000.**

WHEREFORE, the Gibson County Commissioners have hereunto set their hands and seals on this 21<sup>st</sup> day of September, 2010.

BOARD OF COMMISSIONERS OF  
GIBSON COUNTY, INDIANA

  
Robert D. Townsend

  
Don L. Whitehead

  
Gerald L. Bledsoe

**CR 200W Home Owners Concerns:** Peter Humbaugh, representing the home owners, stated that owners were requesting the County to complete the paving of this road. A couple years earlier the County had paved approximately the first half of the road and the rest remained gravel. However, in the mean time a company is now using acreage behind these homes as a storage area and is using the road all the time. This is creating much more of a dust problem due to the excess traffic now on the road. He did present a petitions signed by the home owners. Bledsoe stated that he is committed to getting this road paved. Jerry Heldt explained the expense and availability of the milling materials that are being used for such roads. It is on the schedule to be paved when materials are available.

**County Wide Fire Ban:** Townsend stated that due to the extreme dry conditions that there is a need for a fire ban. Attorney McDonald read the Executive Order stating the fire ban,

EXECUTIVE ORDER

Whereas, the Board of Commissioners (hereinafter "Board") of Gibson County (hereinafter "County") find that the County is in a prolonged period of drought; and

Whereas, the effect of the lack of rainfall has dried vegetation to the point it may easily combust and has thus become a fire hazard; and

NOW THEREFORE, The Board of Commissioners of Gibson County, Indiana, pursuant to Indiana Code 10-4-1 et. Seq., resolve and request that there be no open burning or discarding of matches, ashes or any burning materials from vehicles within the confines of Gibson County, Indiana.

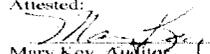
NOW THEREFORE, the Board of Commissioners of Gibson County, Indiana do not wish to prohibit previously scheduled ceremonial and celebratory burning events such as bonfires, and organized cookouts, however such events shall be approved and/or monitored by the respective fire departments under which their jurisdiction falls

This Executive Order issued this 21st day of September, 2010, and shall continue until rescinded, but shall be reviewed every third (30) days.

BOARD OF COMMISSIONERS  
GIBSON COUNTY, INDIANA

  
Bob Townsend, President

Attested:

  
Mary Key, Auditor  
Gibson County, Indiana

The Executive Order fire ban was approved with a motion by Bledsoe seconded by Whitehead and passed 3-0.

Ordinance Controlling K2: Sheriff Harmon spoke on this new "drug" that isn't illegal at this time. It is a synthetic product and yet to be classified. The testing to determine if someone is using this product is extremely expensive and not readily available. Part of the problem with writing an ordinance is the change of name that is already being used. McDonald stated that he would work with the prosecutor, judges and sheriff to decide the best way to handle this subject. He would bring back the recommendations to the Board.

Possible Grant to Help Clean Up the Old Emge Property: Bledsoe stated that he is working with Debbie Bennett-Steersman, the State and EPA about a possibility of getting a grant to help clean up the sight of the fire on the old Emge plant. This property is in the County not the town of Fort Branch. Bob Allen asked if that wasn't the responsibility of the property owner. McDonald said that it is. Some of the debris is considered hazardous and therefore very expensive to clean up. Dick Wesheit asked if this should be temporarily covered until there is a solution to the problem.

CR 450 N: John Davis asked if it would be possible to put millings on the road from CR 650E which is a rock road. This road has a drainage problem and will turn into a mud road during the rainy season and during the summer and dry the dust is unbearable. It is chipped and sealed up to this section on road. Again the cost and availability are a big problem.

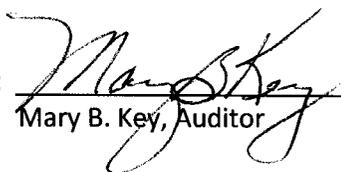
Animal Control: Bob Allen asked about the non response from the animal control service. This is a contractual service but the County pays approximately 105,000 over the year to the service. He asked about if there is some kind of reporting from the service. No there is not. A person asked if there is some kind of performance specifications within the contract. The answer to this question was also no. Inquires will be made about the response to calls.

Having no further business a motion to adjourn was made by Bledsoe seconded by Whitehead and passed 3-0.

  
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Bob Townsend, Pres.

  
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Gerald Bledsoe, VP

  
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Don Whitehead

Attested:   
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Mary B. Key, Auditor