
Gibson County Board of Commissioners
Regular Session
November 15, 2011

The Gibson County Board of Commissioners met on November 15, 2011, at 6:00 PM at the North Annex Meeting Room.

Members Present: Bob Townsend, President, Gerald Bledsoe, VP, Alan Douglas, 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 Bob Townsend.

Minutes: The minutes from the November 1, 2011, meeting was approved through a motion by Alan Douglas and seconded by Gerald Bledsoe. The motion passed 3-0.

Claims:

County General:	\$210,462.45
Courts:	\$ 4,711.90
Sheriff:	\$ 36,703.04
Highway:	\$105,041.08
Payroll 11-18-2011	\$266,727.87

Gerald Bledsoe made a motion to approve the claims. Alan Douglas seconded the motion and the motion passed 3-0.

Department Reports:

EMS Director Dan Alvey presented his monthly report and asked for \$91,214.93 in write-offs.

Gerald Bledsoe made a motion to approve the request for write-offs. Alan Douglas seconded the motion and the motion passed 3-0.

Prosecutor Rob Kreig asked for a Major Medical leave for an employee. Gerald Bledsoe made a motion to approve the request. Alan Douglas seconded the motion. The motion passed 3-0.

Old Business:

Transportation Planner for the Evansville Metropolitan Planning Organization, Craig Luebke asked commissioners for support for their long range transportation plan for Gibson County.

Gerald Bledsoe made a motion to approve the request. Alan Douglas seconded and motion passed 3-0. Gibson County Board of Commissioners Resolution 2011-5 was read and signed.

RESOLUTION 2011-5
Gibson County Board of Commissioners

**A RESOLUTION APPROVING THE GIBSON
COUNTY, INDIANA LONG RANGE
TRANSPORTATION PLAN**

WHEREAS, the Gibson County Board of Commissioners was presented the Gibson County, Indiana Long Range Transportation Plan by the Evansville Metropolitan Planning Organization on November 15, 2011, and

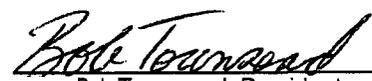
WHEREAS, a draft of the Gibson County, Indiana Long Range Transportation Plan was presented to the Commissioners and the public on October 18, 2011, and

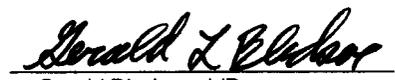
WHEREAS, a public comment period for the draft plan was provided from October 17th 2011 to November 7th 2011; and

WHEREAS, after consideration of said plan, the Commissioners determined that it is in the best interests of Gibson County, Indiana to adopt said plan; and

NOW, THEREFORE, BE IT RESOLVED, by the Gibson County Board of Commissioners that the County hereby accepts and approves the Gibson County Long Range Transportation Plan as submitted:

ADOPTED this 15th day of November, 2011.


Bob Townsend, President


Gerald Bledsoe, VP

Attest: C.T. Montgomery
C.T. Montgomery, Gibson County Auditor

Alan Douglas
Alan Douglas

Alan Douglas made a motion to wave the reading and approve the Commissioners Ordinance 2011-5 Road Construction Standards. Gerald Bledsoe seconded the motion and the motion passed 3-0.

COMMISSIONERS ORDINANCE 2011-5

WHEREAS, the Board of County Commissioners of Gibson County, state of Indiana, has the responsibility and duty to provide for the maintenance and construction of streets and roads within the Gibson County Road System; and,

WHEREAS, said Board further has the responsibility and function to determine whether certain newly constructed roads are admitted into the Gibson County Road System; and,

WHEREAS, said Board desires to adopt uniform regulations for all streets and roads proposed for acceptance into the Gibson County Road Systems;

NOW THEREFORE, BE IT RESOLVED that all Streets and/or Roads in Gibson County, State of Indiana, shall be prepared in the following manner to be considered for acceptance into the Gibson County Road System:

1. RIGHT-OF-WAY:

Fifty (50) feet minimum, twenty-five (25) feet on each side of the center-line.

2. PAVEMENT WIDTH:

The width of surface shall be a minimum of twenty (20) feet.

3. SHOULDERS:

The width of shoulders shall be three (3) feet on each side of the pavement. The material for shoulders shall be #53 Compacted Aggregate Base conforming to current Indiana Department of Transportation Specifications and Standards.

4. CURBS:

The curbs shall be a COMBINED CURB AND GUTTER Type twenty-four (24) inches from front to back of a type approved prior to use by the Gibson County Highway Engineer or a representative designated by the Board of County Commissioners of Gibson County. Twenty-eight (28) feet overall.
This provision is optional.

5. SUB-GRADE:

The sup-grade shall be free of all vegetation, organics, roots, and unsuitable soil. All embankments shall conform to good construction practices and shall be constructed of soils that will compact to: 95% Standard Proctor AASHTO T-99 and AASHTO T-90. All soil materials will be placed in eight (8) inch loose lifts. The sub-grade prior to the placement of Stone or Gravel aggregates shall be rolled to their maximum density and all

spongy and yielding material shall be replaced with material suitable for compaction. All top-soils shall be removed. PRIOR TO GRADING OPERATIONS, THE COUNTY HIGHWAY ENGINEER OR A REPRESENTATIVE OF THE BOARD OF COMMISSIONERS MUST BE NOTIFIED IN ORDER FOR INSPECTION OF THE GRADING OPERATIONS DURING CONSTRUCTION. ALL SUB-GRADE MATERIAL SHALL BE COMPACTED AND TESTED WITH A NUCLEAR DENSITY GUAGE.

6. PIPE STRUCTURES:

The minimum shall be fifteen (15) inches aluminum or fifteen (15) inches round corrugated metal pipe. Length: minimum under property entrances will be twenty-four (24) feet. Drainage areas for all structures under the main roadways must be calculated in order for correct size of structures to be placed, and this must be done by a Registered (licensed) Engineer or Registered (licensed) Land Surveyor and approved by the County Highway Engineer, County Surveyor or Representative of the Board of County Commissioners of Gibson County.

7. AGGREGATE BASE:

After the preparation of the sub-grade has been completed and approved to the above requirements:

- a. Four (4) inches of #2 Limestone conforming to the Indot Standard Specifications shall be placed. The stone voids shall be choked or filled with minimum three (3) inches #53 Limestone and rolled until keyed with a self propelled smooth drum roller and/or vibratory roller.
- b. After the four (4) inches of #2 Limestone or Gravel then three (3) inches of #53 compacted aggregate conforming to the INDOT specifications shall be placed and this shall be proof rolled with a self propelled smooth drum roller or vibratory type equipment, may be used.
- c. The above material will total seven (7) inches in depth and shall be placed a total width of thirty (30) feet.
- d. The crown shall conform to the finish surface $\frac{1}{4}$ of an inch per foot. Total equals three (3) inches in twelve (12) feet.

8. BITUMINOUS SURFACE:

The aggregate base will be primed with MC-70 at a rate of 0.25 to 0.80 gallons per square yard depending on the condition of the surface. No course shall be placed on a primed surface until the bituminous tack coat material has penetrated and the surface is dry.

- a. Material for the (two) 2 inch surface shall be Hot Mix Asphalt Pavement Type A (#11 Stone).
- b. Surface Thickness: Two (2) inches when compacted. Place 220 pounds per square yard.
- c. Material for the Intermediate Course shall be Hot Mix Asphalt Type A (#8 Stone). Light traffic shall have a minimum of four (4) inches of intermediate HMA. Placed at 440 pounds per square yard.
- d. Medium Traffic Intermediate Thickness: six (6) inches when compacted. Placed at 660 pounds per square yard.
- e. Heavy traffic pavement sections shall be designed by an Indiana Licensed Professional Engineer and be submitted to the Commissioners for approval.

- f. Compaction: Self Propelled Smooth Drum Roller.
- g. Placement: By machine in one lay for all surface courses.

9. DITCHES:

Minimum of One (1) foot below the outer edge of shoulder on a maximum 3:1 slope, and of sufficient size to carry the surface water. A PAVED SIDE DITCH will be required on slopes over eight percent (8%), A RIP RAP LINED DITCH will be required on slopes between four percent (4%) and eight percent (8%), and a sodden DITCH will be required on slopes less than four percent (4%), but greater than (2%). All ditches with less than 2% may be seeded and strawed. All road side ditches shall conform to all INDOT Specifications and shall be designed by a professional engineer or a professional land surveyor and shall be approved by the County Highway Engineer and the Commissioners Representative.

10. SEEDING AND SODDING:

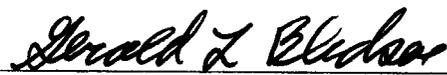
All disturbed areas will be seeded and covered with straw to prevent erosion, and where required by the Engineer or Representative sodding will be placed. All seeding and sod requirements must conform to INDOT and IDEM Specifications. EVIDENCE OF EROSION WILL REJECT THE ACCEPTANCE.

IN WITNESS WHEREOF, Commissioners Ordinance 2011-5 has been adopted by the Board of County Commissioners of Gibson County, this 15th day of November, 2011.

BOARD OF COUNTY COMMISSIONERS
OF GIBSON COUNTY



Bob Townsend, President



Gerald Bledsoe, VP



Alan Douglas, Commissioner

ATTEST:

C.T. Montgomery, Auditor

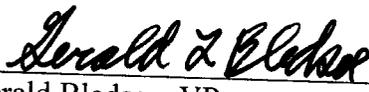
Alan Douglas made a motion to approve the release of Bond on CR 50 N from Triad Mining, Inc. Gerald Bledsoe seconded the motion and the motion passed 3-0.

RESOLUTION NO. 2011-6

The Board of Commissioners of Gibson County, Indiana, hereby resolves and orders that the requirements of the County Road Improvement Agreement dated July 18, 2006, subsequently amended April 17, 2007, between Triad Mining, Inc. and Gibson County, Indiana, have been fully performed according to specifications and the bond (Travelers Casualty and Surety # 64S10479015BCM) posted by Triad Mining, Inc. is hereby released.

Entered this 15th day of November, 2011.

Bob Townsend, President


 Gerald Bledsoe, VP

 Alan Douglas, Commissioner

ATTEST:

 C.T. Montgomery, Auditor

Gerald Bledsoe made a motion to approve the Certificate Tax Sale Calendar presented by SRI. Alan Douglas seconded the motion and the motion passed 3-0. The Tax Sale date is February 9, 2012 @ 10:00 AM.

Because of a format error, Alan Douglas made a motion to approve the new Gibson County Council Ordinance No. 2011-7, Amending Ordinance No. 2009-2. The new ordinance will be presented to the County Council for final signatures at their next available meeting. Gerald Bledsoe seconded the motion and the motion passed 3-0.

Gerald Bledsoe made a motion to approve the release of Bonds on CR 535S, 600S and 1100E by Peabody Midwest Mining, LLC., accepted by the County on October 18, 2011. Alan Douglas seconded the motion and the motion passed 3-0.

RELEASE

Peabody Midwest Mining, LLC, formerly known as Black Beauty Coal Company, LLC, the successor by conversion to Black Beauty Coal Company, an Indiana limited liability company ("Peabody"), whose address is 7100 Eagle Crest Blvd., Evansville, IN 47715 hereby requests from Gibson County, Indiana, by and through its Board of Commissioners ("County"), a release of further responsibilities or obligations with respect to certain portions of Gibson County roads listed below and Peabody further requests that the County agree and acknowledge that Peabody 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.

<u>Co. Rd.</u>	<u>File No.</u>	<u>Agmt. Type</u>	<u>Length In Feet</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
(1)525S	SC-11	Closure	5,355.12	\$63,600	6510681

The County and Peabody entered that certain Road Agreement dated June 25, 2001, as subsequently extended, whereby the parties agreed to temporarily close certain roads in Gibson County, including part of CR525S, located between the intersections of CR1100E and CR1200E. Subsequently, the County and Peabody entered into a Supplement to Road Agreement dated December 4, 2007 for the purpose of relocating a 2,715.12 feet portion of CR525S and Peabody restored CR525S including the relocated portion as agreed and is ready for release.

<u>Co. Rd.</u>	<u>File No.</u>	<u>Agmt. Type</u>	<u>Length In Feet</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
(2)600S	SC-11	Closure	5,280	Included in (1) above	Included in (1) above

The County and Peabody entered that certain Road Agreement dated June 25, 2001 and on October 20, 2003 the County approved the relocation of CR600S to commence at the intersection of CR600S & CR1200E, also being the center of Section 7, T3S, R8W; thence west one mile, more or less, to the intersection with CR1100E, also being the center of Section 12, T3S, R9W. The County and Peabody entered into an Extension of Road Agreement on May 3, 2006. Subsequently, Peabody restored this portion of CR600S on the relocation easement as agreed and is ready for release.

Total Release

<u>Co. Rd.</u>	<u>File No.</u>	<u>Agmt. Type</u>	<u>Length In Feet</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
(1) 600S	SC-12	Closure	2,640	\$25,000	104734482

The County and Peabody entered that certain Road Agreement dated September 20, 2005, as subsequently extended, whereby the parties agreed to temporarily close certain roads in Gibson County, including part of CR600S, commencing at the intersection of CR1100E & CR600S, also being the center of Section 12, T3S, R9W; thence west one-half mile, more or less. Subsequently, Peabody restored this portion of CR600S as agreed and is ready for release.

Total Release

<u>Co. Rd.</u>	<u>File No.</u>	<u>Agmt. Type</u>	<u>Length In Feet</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
(2) 1100E	SC-12	Closure	3,960	Included in (1) above	Included in (1) above

The County and Peabody entered that certain Road Agreement dated September 20, 2005, as subsequently extended, whereby the parties agreed to temporarily close certain roads in Gibson County, including a portion of CR1100E, commencing at the intersection of CR1100E & CR525S, running thence south three-fourths mile, more or less, to the intersection of CR1100E & CR600S. Subsequently, Peabody restored this portion of CR1100E as agreed and is ready for release.

Total Release

<u>Co. Rd.</u>	<u>File No.</u>	<u>Agmt. Type</u>	<u>Length In Feet</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
(1) 1100E	SC-13	Closure	1,320	\$25,000	104768804

The County and Peabody entered that certain Road Agreement dated June 6, 2006, as subsequently extended, whereby the parties agreed to temporarily close certain roads in Gibson County, including a portion of CR1100E, commencing at the intersection of CR1100E and CR525S and running thence north approximately one quarter mile. Subsequently, Peabody restored this portion of CR1100E as agreed and is ready for release.

Total Release

2

<u>Co. Rd.</u>	<u>File No.</u>	<u>Agmt. Type</u>	<u>Length In Feet</u>	<u>Bond Amt.</u>	<u>Bond No.</u>
(2) 525S	SC-13	Closure	2,640	Included in (1) above	Included in (1) above

The County and Peabody entered that certain Road Agreement dated June 6, 2006, as subsequently extended, whereby the parties agreed to temporarily close certain roads in Gibson County, including a portion of CR525S, commencing at the intersection of CR1100E and CR525S and running thence west approximately one half mile or to Town of Somerville corporate limits. Subsequently, Peabody restored this portion of CR525S as agreed and is ready for release.

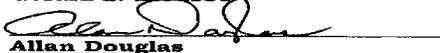
Total Release

WHEREFORE, the Gibson County Board of Commissioners during their regular session public meeting on October 18, 2011, approved release of the above described roads and bonds and have hereunto set their hands and seals.

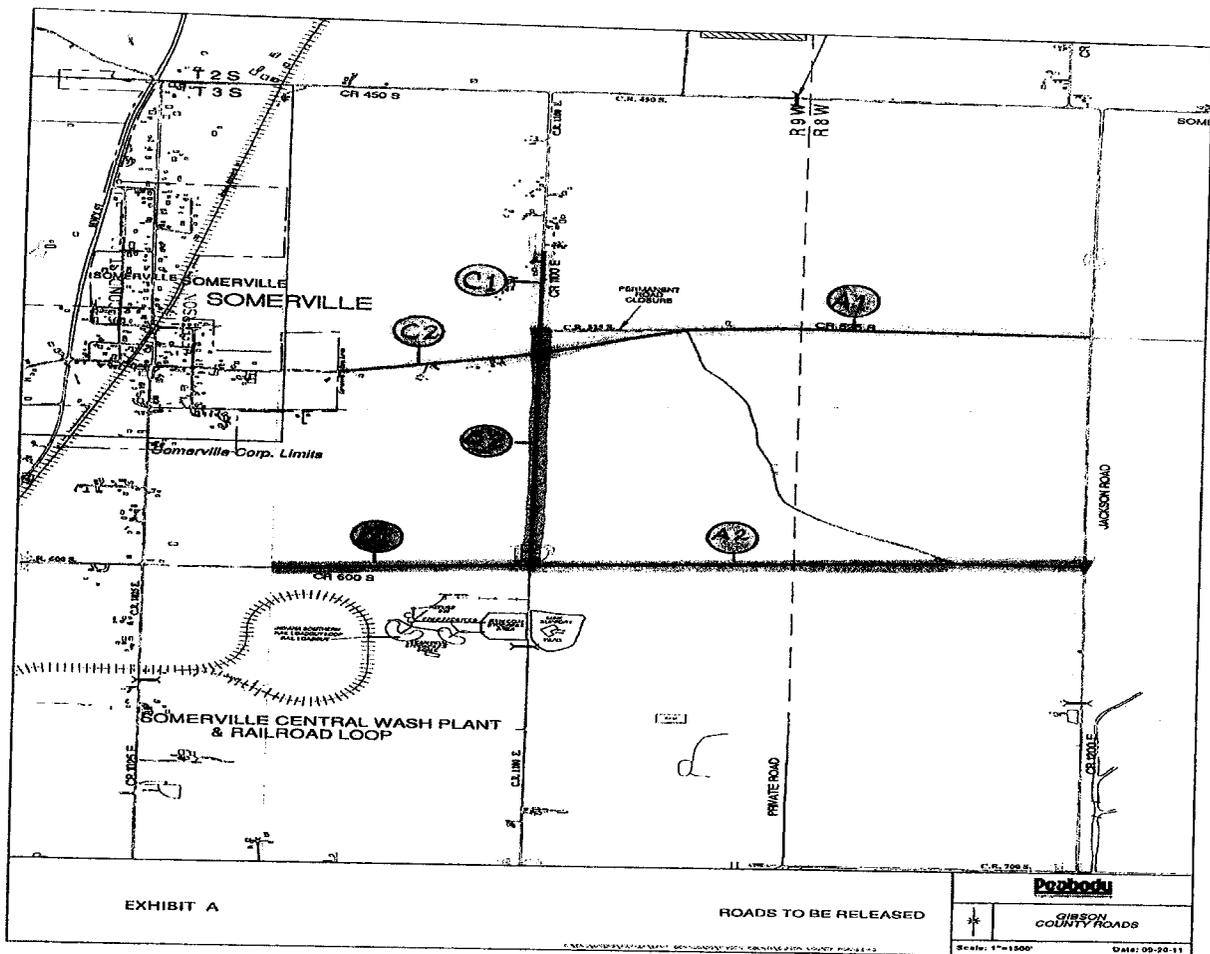
BOARD OF COMMISSIONERS OF
GIBSON COUNTY, INDIANA


Robert D. Townsend


Gerald L. Bladsos


Allan Douglas

3



Alan Douglas made a motion to wave the first reading of the Gibson County Board of Commissioners Sub-Division Control Ordinance 2011-8. If approved, the Ordinance will go into effect on January 1, 2012. Gerald Bledsoe seconded the motion. The motion passed 3-0. Bob Townsend presented the commissioners with a contract proposal from Nomad Technology Group to service the computer systems in all but a couple of the offices in the county. The servers will be monitored 24 hours a day and service responses will be much faster, when called. Any office can cancel their service at any time. Alan Douglas made a motion to approve the contract. Gerald Bledsoe seconded the motion and the motion passed 3-0. Bob Townsend told commissioners that after the Census of 2010 it has become necessary to re-district the counties precincts to better balance the populace within the precincts. Gerald Bledsoe made a motion to approve the order as presented to the State of Indiana. Alan Douglas seconded the motion and the motion passed 3-0.

**ORDER 2011-6 OF THE GIBSON COUNTY COMMISSIONERS
REGARDING ADDITIONAL INFORMATION OR CORRECTIONS
TO
THE PRECINCT BOUNDARIES AND SUBMISSION OF CORRECTED IEC-8
FORMS**

WHEREAS, Indiana Code 3-11-1.5-38 was adopted by the 2011 General Assembly; and

WHEREAS, The County Commissioners reviewed the precinct files supplied by the Indiana election division pursuant to IC 3-11-1.5-38 and notified the Indiana election division in writing that the precinct files provided "contain errors" or are "otherwise incorrect or incomplete"; and

WHEREAS, The County Commissioners are required to submit to the Indiana Election Division, not later than January 1, 2012, additional information for or corrections to the precinct files which will become the precinct boundaries for the county for purposes of an election conducted after January 1, 2012; and

WHEREAS The County Commissioners are also required to submit to the Indiana Election Division not later than January 1, 2012 IEC-8 forms that correct IEC-8 forms that are currently incorrect as the result of enactment of any of the following: (A) The Indiana congressional district 2011 plan (IC 3-3-5); (B) The senate district 2011 plan (IC 2-1-13); or (C) The house district 2011 plan (IC 2-1-12);

**IT IS THEREFORE ORDERED BY
THE COUNTY COMMISSIONERS:**

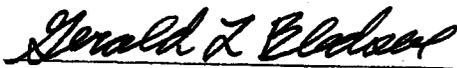
SECTION 1: That attached to this ORDER and incorporated herein by reference are documents and files that contain additional information for or corrections to the county's precinct boundaries in accordance with IC 3-11-1.5-38.

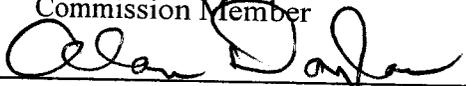
SECTION 2: That attached to this ORDER and incorporated herein by reference are the corrected IEC 8 forms for each precinct that has been assigned a new house, senate or congressional district due to House Enrolled Acts 1601 and 1602.

SECTION 3: That the Gibson County Auditor, as secretary for the board, is directed to file this ORDER and attachments with the Indiana election division immediately upon its execution.

SO ORDERED THIS 15TH DAY OF NOVEMBER, 2011


Commission Member


Commission Member


Commission Member

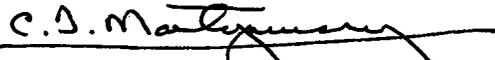

ATTEST: AUDITOR

EXHIBIT A (Attached)

Some concerned citizens approached the commissioners with concerns of a Turkey barn being erected within one mile of their residences. They are trying to pursue any recourse that is available to them to stop the building of said turkey barn. County Attorney Jim McDonald told them that there is presently no zoning laws or ordinances to stop or restrict the building of the turkey barn in their rural area.

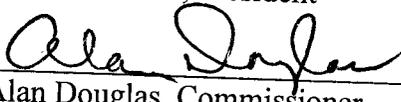
Gerald Bledsoe gave a report about the former Emge property in Fort Branch. He told commissioners that the EPA had given him a final report of work done at the former Emge

property which cost taxpayers \$850,000.00 to accomplish. He told the people in attendance that if they wanted to look over the report it is available.

Gerald Bledsoe made a motion to adjourn. Alan Douglas seconded the motion and the motion passed 3-0.



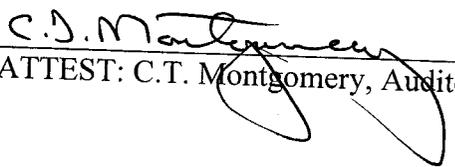
Bob Townsend, President



Alan Douglas, Commissioner



Gerald Bledsoe, VP



ATTEST: C.T. Montgomery, Auditor