
Gibson County Board of Commissioners
Special Session
December 16th, 2014

The Gibson County Board of Commissioners met on December 16, 2014, at 6:30 PM at the North Annex Meeting Room.

Members Present: Included President Alan Douglas, Vice-President Gerald Bledsoe, Commissioner Stephen E. Bottoms, County Attorney Jim McDonald, and County Auditor Sherri Smith.

Administrative Assistant Kay Vore was out of town.

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

Minutes: Per a special request from the Auditor, the minutes from November 20th, 2014, Executive Session were read and approved through a motion by Commissioner Bledsoe and seconded by Commissioner Bottoms. Motion carried 3-0.

Claims:

- Utilities - \$2,278.55
- Utilities - \$104,619.52
- Fifth Third Bank - \$4,478.79
- Payroll for 12/12/14 - \$296,125.51

Per a special request from the Auditor, a Motion to approve special claims made by Commissioner Bledsoe and seconded by Commissioner Bottoms. Motion carried 3-0.

Topics of Special Meeting

#1 Peabody Coal Mine Agreement – CR 1300 E; CR 850 S; CR 1250 E

“Thank you Commissioners, Crystal Lockyear on behalf of Peabody Midwest Mining LLC.”
“We are asking at this time for approval for road closures, really more relocations of roads for the County. Based on collaboration with the County Commissioners and the comments that we’ve heard from the residents, road closures in the past have been problematic, and we understand that. Peabody has gone back to the drawing board, and would like to request at this point in time, that you approve relocations of these particular roads. The relocations will be on ground that has not been mined through, and ultimately will be a better end solution for the County, we believe, again, based on your comments and the comments of the residents. For the technical part of the relocation I would like Howard Kieffer to review that for you and then I’m also going to feature some highlights of some additional things that the Peabody is going to do for the County to address some past issues.”

At this time Howard Kieffer explained the road relocations.

Commissioner Bottoms asked when they would be able to pave the 850 detour. Mr. Kieffer stated that he thought 2016 was in the agreement.

Ms. Lockyear stated "October 31st, 2016 and that's for the chip and seal over five inch thick compacted millings. OK. Any other questions technically related and then I'll run through the other matters that Peabody is committing to for the County. OK. Howard went through the crossings that we have requested. It came to our attention from past meetings that those crossings need to be paved from both directions. Peabody is committing to do that on the crossings that we are asking for long term. That does except the one that Howard indicated is there in the middle of the 850 detour at, I believe it's Smith Creek. And that crossing will remain gravel, but exist only under the agreement until December 21st, 2015 and Howard thinks he can get it taken care of even before then. The other issues that Peabody is going to take care of for the County: repair and pave approximately two miles of CR 700 S, replace CR 1250 E after the expiration of the closure, down to the Kilpatrick Cemetery. Reopen the closed section of 1100 E, commencing January 1. That will be completed no later than March 31, 2015. The millings from the removed section of 850 will be used on 1100 E, but as Mr. Bottoms requested in our last meeting, Peabody has agreed to break up those millings and then just store them or provide a storage area for the County then to take those and apply to County roads as they so desire. Pave approximately 1.7 miles of 1100 E."

Vice-President Bledsoe stated that when the millings are taken off, there will be County trucks to take them.

Ms. Lockyear stated "I think we will be able to coordinate that, with you, however it works best for the County on that, but certainly allow you guys to dictate where you want to take those. Pave approximately a mile of CR 1200 E, running down to the intersection of 1200 and 900, and then repair and pave .26, approximately .26 miles on CR 900 over to the Eden Cemetery. Address CR 850 millings, repair settlement in CR 450 S which again they've been referring to as the "ski jump" on or before June 30th, 2015. Install the gravel rock on the shoulders of the newly paved section of CR 900 S, to be completed on or before June 30th, 2015. Complete the reopening and turn over to the County of those roads that are claimed or necessary to be reopened and that includes but not limited to 550 E north of 64 which is still under bond and the reopening of 1150 E on or before September 1, 2016, repair future mine related issues in accordance with the Indiana Code and the Indiana Administrative Code, and the establishment of a liaison program so that we have annual and quarterly meetings with the County Commissioners and Peabody to address any future concerns that the County has. Sorry for speed talking, but I want to try and keep it under the two minute limit here. I'll be happy to answer any questions that you might have."

Vice-President Bledsoe – "Any roads that you pave or put millings down if needed you will put the rocks on the side shoulders?"

Ms. Lockyear “Yes, Yes, and we have agreed that we would comply with and those are on your road closing, there is an exhibit to your road closing ordinance that has the shoulder requirements in them.”

Vice-President Bledsoe, “OK and the crossings, explain what you are going to do with.”

Ms. Lockyear, “Certainly. The crossings will have a paved intersection approximately seventy five feet from the center line running both directions. Those crossings will also be lighted, with either overhead or flashing lights. That may be a work in progress, as Peabody works through what utilities they have available, what works best for visibility. But, we will provide some sort of lighting over those crossings. And all of the relocations, renovations, improvements, what you may call, are to be done under the cooperation and supervision of the County Engineer and the County Surveyor.”

President Douglas, “And our Highway Superintendent?”

Ms. Lockyear “Yes sir.”

President Douglas, “Because you said surveyor, engineer.”

Ms. Lockyear “Correct.”

President Douglas, “Michael, do you have any questions? OK.”

Ms. Lockyear “Thank You”

President Douglas- “Thank you Ms. Lockyear.”

County Resident Nancy Gehlhausen asked the Commissioners what provisions have been made if Peabody does not do what they are supposed to do.

County Attorney Jim McDonald stated that “In the Agreement there is a remedies clause, paragraph ten; there is a remedies section of the violation of the agreement, which is specific things we have to give written notice to Peabody of the violation. Give them reasonable time to fix the violation. We can go to the Courthouse and enforce the agreement. They would be responsible for all cost, court costs, fees, expenses that we may incur.”

There is a provision in the agreement with Peabody that the County can help a county resident discuss a problem with Peabody. There are Federal regulations that have to be dealt with.

Commissioner Bledsoe made a motion to approve the relocation of County Roads 1300 E, 850 S, 1250 E, seconded by Commissioner Bottoms. Motion carried 3-0.

#2 Gibson County Landfill

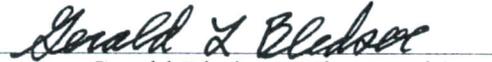
The Landfill issue was taken off of the agenda for a future meeting.

With no further business, Commissioner Bottoms adjourned the meeting, seconded by Commissioner Bledsoe. Motion carried 3-0.

Minutes from the Special Meeting, December 16th, 2014.



Alan Douglas, President



Gerald Bledsoe, Vice-President



Stephen E. Bottoms, Commissioner



ATTEST: Sherri Smith, Auditor