
Gibson County Council
Regular Session
December 18, 2012

The Gibson County Council met in regular session on December 18, 2012, at 9:00 AM in the North Annex Meeting Room.

Members Present: Jeremy Overton, President, LeAnn Smith, VP, D. Craig Pflug, Bill McConnell, Tony Wolfe, George Ankenbrand and C.T. Montgomery, Auditor. William George was absent.

The meeting was called to order and everyone recited the Pledge of Allegiance to the flag. The minutes from November 13, 2012 were approved by a motion from Craig Pflug and seconded by George Ankenbrand. Motion carried 5-0

EMS Director Dan Alvey gave his monthly report which included \$74,607.42 in write-offs. He reported that the new remount will be delivered by the end of the month and the new ambulance will be delivered late in January, 2013.

The Fort Branch-Johnson Township Library appointment was tabled until next month's meeting. Todd Mosby gave some background information on Vuteq and asked Vuteq to remember us when expansion and job creation may happen in future. As an incentive Vuteq needs \$800,000 or 20% of the costs of construction for their project of Tax Increment Financing reserves from the Toyota Motor Manufacturing, Indiana TIF District to be used in the construction addition. Vuteq will be hiring a minimum of 100 new employees. Gibson County Council Ordinance 2012-4, an ordinance authorizing Gibson County, Indiana, to make a loan to Vuteq, USA Incorporated and approving other actions in respect thereto was introduced to the council for approval. Tony Wolfe made a motion to approve the ordinance and waive the second reading. Motion was seconded by George Ankenbrand and the motion passed 6-0.

ORDINANCE NO. 2012-4

ORDINANCE AUTHORIZING GIBSON COUNTY, INDIANA
TO MAKE A LOAN TO VUTEQ USA INCORPORATED AND
APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Gibson County Economic Development Commission ("Commission") has rendered its Project Report for the expansion and equipping of an assembly plant in or physically connected to the Patoka/Union Township Economic Development Area (collectively, "Project") regarding the financing of proposed economic development facilities for Vuteq USA Incorporated ("Borrower"); and

WHEREAS, there is no Area Plan Commission; and

WHEREAS, the Commission conducted a public hearing and adopted a Resolution and Report on December 11, 2012 which Resolution and Report were transmitted hereto, finding that

the financing of certain economic development facilities in connection with a development to be constructed by Borrower complies with the purposes and provisions of IC 36-7-11.9 and -12 and that such financing will be of benefit to the health and welfare of the County and its citizens; and

WHEREAS, the Commission and the Gibson County Redevelopment Commission have heretofore approved and recommended the adoption of this form of Ordinance by this County Council, and the Commission has considered the issue of adverse competitive effect and each have approved the forms of and have transmitted for approval by the County Council the Loan Agreement; the Note; and the Trust Agreement; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF GIBSON COUNTY, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Commission and presented to this County Council, the loan to be provided from Tax Increment (as defined in the Loan Agreement) funds on hand to Borrower for the expansion and equipping of such Project ("Loan"), the repayment of the Loan from loan payments by the Borrower under the Loan Agreement and Note complies with the purposes and provisions of IC 36-7-11.9 and -12 and will be of benefit to the health and welfare of the County and its citizens. The Loan proceeds will be used for the financing of the economic development facilities, which will consist of the Project located at 819 E. 350 S., Princeton, Indiana 47670. The County Council further finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near the County, is desirable to preserve the health, safety and general welfare of the citizens of the County; and that it is in the public interest that the Commission and the County take such action

as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the County.

Section 2. At the public hearing held before the Commission, the Commission considered whether the Project would have an adverse competitive effect on any similar facilities located in or near the County, and subsequently found, based on special findings of fact set forth in the Resolution transmitted hereto, that the Project would not have an adverse competitive effect. This County Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the Project will not have an adverse competitive effect on any other similar facilities in or near the County, and the facilities will be of benefit to the health and welfare of the citizens of the County.

Section 3. The substantially final forms of the Loan Agreement; the Note; and the Trust Agreement approved by the Commission and the Redevelopment Commission are hereby approved (herein collectively referred to as the "Financing Agreement" referred to in IC 36-7-11.9 and -12), and the Financing Agreement shall be incorporated herein by reference and shall be inserted in the minutes of the County Council and kept on file by the Auditor. In accordance with the provisions of IC 36-1-5-4, two (2) copies of the Financing Agreement are on file in the office of the Auditor for public inspection.

Section 4. The County shall make the Loan to Borrower in the total amount not to exceed the lesser of: (a) \$800,000, minus administrative costs and Annual Fees (as defined in the Loan Agreement); or (b) 20% of the total costs of the Project, minus administrative costs and Annual Fees and maturing no later than eight (8) years from the date of such Loan. The purpose of the Loan is to pay the costs of the Project, as more particularly set out in the Loan Agreement, incorporated herein by reference, which Loan will be payable from payments made by the

Borrower under the Loan Agreement and the Note. The County hereby approves the creation of the Vuteq Project Fund to be held by a trustee at the discretion of the Redevelopment Commission pursuant to the Trust Agreement. The Loan shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the County.

Section 5. The Board of Commissioners and the Auditor are authorized and directed to execute, attest, affix or imprint by any means the County seal to the documents constituting the Financing Agreement approved herein on behalf of the County and any other document which may be necessary or desirable prior to, on or after the date hereof to consummate or facilitate the transaction. The Board of Commissioners and the Auditor are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take place after the date of this Ordinance with the review and advice of counsel to the County; it being the express understanding of this County Council that the Financing Agreement is in substantially final form as of the date of this Ordinance. The approval of these modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, formula for determining interest rate on or term of the Loan as approved by the County Council by this Ordinance without further consideration by the County Council. The signatures of the Board of Commissioners and the Auditor on the documents constituting the Financing Agreement may be either manual or facsimile signatures. Payment for the Loan will be made to the Trustee named in the Trust Agreement.

Section 6. The provisions of this Ordinance and the Loan Agreement shall constitute a contract binding between the County and Borrower ("Parties"), and after the Loan has been

made, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the Parties so long as the Loan or the interest thereon remains unpaid or forgiven pursuant to the Loan Agreement.

Section 7. This Ordinance shall be in full force and effect from and after its passage.

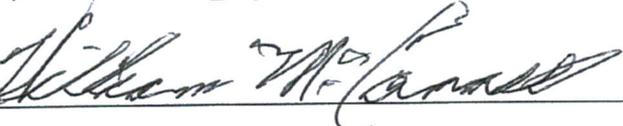
Passed and adopted by the County Council of Gibson County, Indiana, this 18th day of December, 2012.

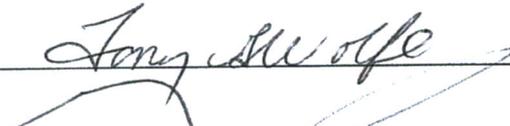
COUNTY COUNCIL OF GIBSON COUNTY,
INDIANA

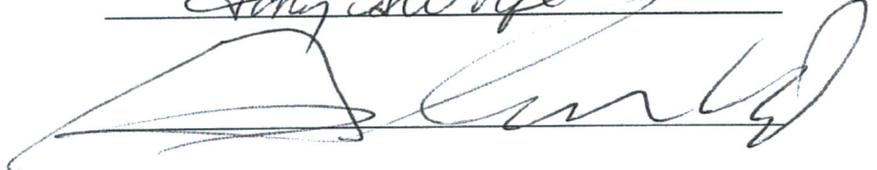












ATTEST:

C.T. Montgomery, Auditor

County Attorney Jim McDonald presented the council with a Trust Agreement establishing Old National Bank as the trustee for the loan to Vuteq. Craig Pflug made a motion to waive the second reading of the Trust Agreement and to approve the agreement. LeAnn Smith seconded the motion and the motion carried 6-0

Tony Wolfe made a motion to re-create the 1176-04-04-41 Machinery and Equipment line. George Ankenbrand seconded the motion and the motion passed 6-0. The Highway Department asked to transfer \$120,000 from 1176-04-02-21 Fuel to 04-04-41 Machinery and Equipment, \$18,000 from 1176-04-03-41 Liability and Casualty Insurance to 04-04-41 Machinery and Equipment, \$40,000 from 1176-04-03-42 Work Comp Insurance to 04-04-41 Machinery and Equipment, \$10,000 from 1176-04-03-63 Road Equipment to 04-04-41 Machinery and Equipment, \$1000 from 1176-04-03-71 Rental to 04-04-41 Machinery and Equipment, \$1000 from 1176-04-01-31 CDL Physicals to 04-04-41 Machinery and Equipment, \$10,000 from 1176-04-03-61 Garage and Service Building to 04-04-41 Machinery and Equipment, \$20,000 from 1169-02-02-33 Bituminous to 1169-04-04-41 Machinery and Equipment. George Ankenbrand made a motion to approve the transfers and was seconded by William McConnell. Motion passed 6-0.

The Sheriff department asked for four transfers to 32-02-46 Johnson Air Control/HVAC from 32-03-14 Telephone of \$346.93, 32-03-10 Dues of \$200, 32-03-11 Correction Officer Training of \$68.50, 32-03-14 Telephone of 201.50. Craig Pflug made a motion to approve the request and was seconded by George Ankenbrand. Motion passed 6-0. The Sheriff department asked for four transfers to 05-02-21 Fuel from 05-03-53 Audio of \$500, 05-03-56 CPR of \$1425, 05-03-61 Intel Data of \$936.22, 05-03-60 Reserve Workman's Comp of \$100. Craig Pflug made a motion to approve the request and was seconded by George Ankenbrand. Motion passed 6-0. A transfer of \$3000 from 32-03-15 Utilities to 32-02-35 Janitor supplies was requested. Craig Pflug made a motion to approve the transfer. LeAnn Smith seconded and the motion passed 6-0. A transfer of \$1000 from 32-04-41 Kitchen Equipment to 32-03-64 Meals was requested. Craig Pflug made a motion to approve the request and was seconded by George Ankenbrand. Motion carried 6-0. A transfer of \$910.35 from 32-04-41 Kitchen Equipment to 32-03-18 Prisoner Transport was requested. Craig Pflug made a motion to approve the request and was seconded by George Ankenbrand. Motion carried 6-0. A transfer of \$1400 from 1222-01-08 Part Time to 1222-01-07 Overtime and \$400 from 1222-01-08 Part Time to 1222-01-03 Medicare was requested. Tony Wolfe made a motion to approve the request and was seconded by LeAnn Smith. Motion carried 6-0.

The Extension office administrator Cathy Boerste asked for transfers of \$300 from 23-03-60 Building Rent to 23-02-60 Office Supplies and \$400 from 23-03-53 Computer to 23-02-60 Office Supplies. George Ankenbrand made a motion to approve the requests. Tony Wolfe seconded the motion and the motion passed 6-0.

The Assessor asked to transfer \$400 from 09-03-14 Telephone to 09-02-60 Office Supplies. George Ankenbrand made a motion to approve the request and was seconded by William McConnell. Motion passed 5-0.

The Superior court asked to transfer \$3,000 from 41-01-26 Petit Jurors to 41-04-31 Computers. George Ankenbrand made motion to approve the request and was seconded by LeAnn Smith. Motion passed 6-0.

The Tattoo Ordinance 2012-9 was presented to the council for approval. The county commissioners had already approved the ordinance but because of the fee issue, the council would have to decide where the money would go. It was determined that the fee money would go into the general fund of 1159. LeAnn Smith made a motion to approve the ordinance and was seconded by Tony Wolfe. Motion passed 6-0.

The Princeton Public Library trustee Ed Prior term expires this year. He is eligible for one more term and he has indicated that he would be willing to serve another term of four years. Craig

Pflug made a motion to appoint Ed Prior to another term on the library trustee board. The motion was seconded by George Ankenbrand and the motion passed 6-0.

EMA asked to transfer \$113.30 from office equipment to computer supplies. Craig Pflug made a motion to approve the request and was seconded by LeAnn Smith. Motion passed 6-0.

Terry Hedges informed the council the Governor has approved the State Disaster Relief Fund and Gibson County may qualify for 50% reimbursement on \$370,000 incurred during the Oakland City Micro-burst this year. He also informed the council that his part time employee went to support the Hurricane Sandy relief effort for two weeks. He informed the council that the State of New York will reimburse the county for her pay if we produce a pay document to them showing the amount of pay she received from Gibson County. The pay amounts to approximately \$2700. Hedges informed the council that he doesn't have enough money in his budget to pay that amount. But he said that the Local Emergency Planning Council had approved that they could provide the funds. Tony Wolfe made a motion to allow the LEPC to receive reimbursement of money spent for support to Hurricane Sandy in New York. The LEPC will pay the salary of the part time employee and receive the money from the State of New York for reimbursement. The LEPC will be the pass through agency and this will be a one-time event. George Ankenbrand seconded the motion and the motion passed 6-0. Tony Wolfe made a motion as an exception to policy, in the salary ordinance, on overtime as a one-time event to pay this part time employee through the LEPC. William McConnell seconded the motion and the motion passed 6-0.

The County Prosecutor informed the council that Brenda Ankenbrand is retiring in December 2012 and wants to hire a replacement. The council consented to the new hire.

Craig Pflug made a motion to pay Theisen-Bowers \$390 out of the Rainy Day Fund. LeAnn Smith seconded the motion and the motion passed 6-0.

President Jeremy Overton informed the council that their next meeting will be on January 8, 2013 at 9:00 AM. The next year's calendar will be discussed at that time.

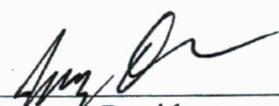
Health Department Administrator Jennifer Tuley asked the council to approve her 2013 appropriations for Fund 1168 Local Health Maintenance, Fund 8107 Bio-Terrorism/Preparedness, Fund 1206 Local Health Department Trust Account and the 9101 Tobacco Prevention and Cessation Grant. Tony Wolfe made a motion to approve the requests and was seconded by Craig Pflug. Motion carried 6-0.

President Jeremy Overton told the council that last month the decision was made to amend the 2013 Salary Ordinance to reflect a \$600 salary increase for the Veterans Representative. The Auditor will provide an amended Salary Ordinance for signing at the next regular meeting.

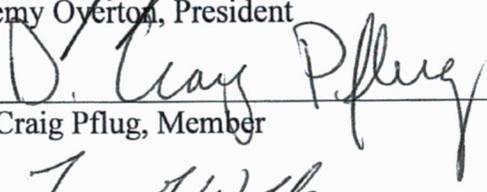
Tony Wolfe made a motion to authorize an engagement letter be sent to the Ice-Miller Law Firm and have them to represent the County in the former Sheriff's lawsuit. The motion was seconded by George Ankenbrand. Motion carried 6-0.

EMS Director Dan Alvey and David Pond provided an equipment demonstration on heart monitors and auto pulse machines. Alvey asked council members to approve the purchase of the new equipment next year. He asked to encumber \$75,500 to go towards the purchase of the equipment demonstrated. Tony Wolfe made a motion to approve the encumbrance and was seconded by George Ankenbrand. Motion passed 6-0.

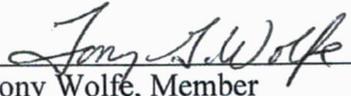
George Ankenbrand made a motion to adjourn and was seconded by LeAnn Smith. Motion carried 6-0.



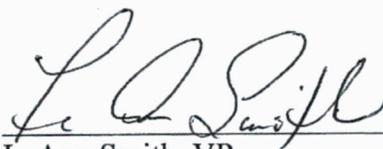
Jeremy Overton, President



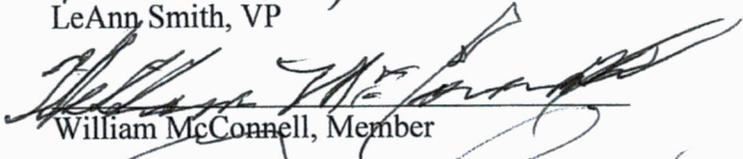
D. Craig Pflug, Member



Tony Wolfe, Member



LeAnn Smith, VP



William McConnell, Member



George Ankenbrand, Member

ATTEST: C.T. Montgomery, Auditor