

/

**DAVISS COUNTY COMMISSIONERS
MINUTES**

**Tuesday, December 13, 2022
Daviess County Commissioners Room, Daviess County Government Center
Washington, Indiana**

The Daviess County Commissioners met Tuesday December 13, 2022, at 9:00 AM in the Commissioners' Room of the Daviess County Government Center. (The Public is invited to watch a live stream of meeting, go to www.daviess.org and click "Watch Public Meetings")

Roll Call.

Present: Michael Taylor, President, Nathan Gabhart, Vice President, Ron Arnold, Secretary.

Pastor Adam Cissell with the Second Mount Olive Baptist Church of Odon gave the opening prayer.

MEETING MINUTES 11/22/2022

Motion: Approve, **Action:** Approve minutes as presented, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.

Motion passed unanimously.

HIGHWAY

CANNELBURG ROAD PROJECT

Chris Winkler, Daviess County Highway Department Supervisor, came before the Commissioners with two LPA Claim Vouchers for the Cannelburg Road Project phase 4 & 5. The first claim voucher is from Daviess County Rural Water for utilities in the amount of \$13,870.46 with 80% reimbursable at \$11,096.37. The second claim voucher is from Lochmueller Group for construction engineering in the amount of \$38,683.19 with 80% reimbursable at \$30,946.55. **Document Document**

Motion: Approve LPA claim voucher from Daviess County Rural Water for utilities in the amount of \$13,870.46 with 80% reimbursable at \$11,096.37. Also, LPA claim voucher from Lochmueller Group for construction engineering in the amount of \$38,683.19 with 80% reimbursable at \$30,946.55, **Action:** Approve, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.

Motion passed unanimously.

UPDATES

Chris Winkler, Daviess County Highway Department Supervisor, stated that the Highway Department is working on getting equipment ready for the winter projects and stocking the salt and sand buildings.

CR 200 N CLOSURE

Chris Winkler, County Highway Department Supervisor, came before the Commissioners regarding the REO coal mine request for road closure of CR 200 N. The Commissioners had asked previously that the right of ways be completed on CR 200N before the Commissioners approve the road closure. Mr. Winkler stated that the recorded right of ways for CR 200N road are ready and updated. With the exception of two parcels that still need updated. The previous recorded right of ways is still good, but he has been updating the right of ways since it has been a while. Ed Hartzberg and Matt Ubelhor, REO coal mine representatives, came before the Commissioners with updates from previous meeting discussions on mining through and closing a crossing of CR 200N. Mr. Hartzberg stated that they published the notice for one time a week for a month in the newspaper. There were questions regarding the surety bond that the state holds and at this time, REO representatives are coming before the board of Commissioners for that petition decree and signing of the road agreement. Michael Taylor, Daviess County Commissioner, stated that closing the road isn't favorable but knows business in the county needs to happen, so he is agreeable to go forward as long as, they can be assured that the road will be put back. Ron Arnold,

Daviess County Commissioner, stated that he also doesn't want to lose the road but understands the economic impact and jobs this would provide. Also stating that at the time of the meeting he had asked REO representatives to contact Grant Swartzentruber, Daviess County Attorney, and go over all of the possibilities regarding, if the mine would go bankrupt, would the bond take care of putting the road back. Mr. Hartzberg stated that the surety bond currently is around 5.5 million with the surety bond held by the state. If in the unlikely event that the mine was to shut down, then the state would have that money to reclaim that job. Mr. Hartzberg stated that per the agreement REO has two to three more years of coal sales and will mine through CR 200N and will have it open again in thirty months. The thirty-month time frame starts when the agreement is signed. Michael Taylor, Daviess County Commissioner, stated that REO has mined through Daviess County roads in the past and there has been no issues with those roads being placed back. Grant Swartzentruber, Daviess County Attorney, stated that one of the things that is supposed to be done as part of a temporary road closure is to ensure certain findings have been met and Mr. Swartzentruber read those aloud to make sure no one had any questions. This is part of the petition of the road closure agreement. Attorney Swartzentruber stated that he is comfortable that REO has met the requirements of the agreement and understands that the surety bond is in place with the DNR (Department of Natural Resources.) Also adding that he would like the document to clarify, and the language be added that this agreement is thirty months from when this is approved. Also stating the mailing of the petition to adjacent landowners has to be done. Mr. Hartzberg stated that he would bring the certified mailing for these on the December 27, 2022, meeting.

Motion: Approve the road closure of CR 200N contingent on the petition being mailed out to adjacent landowners. Then on the December 27, 2022, Commissioners meeting it will be placed back on the agenda and the modification on the agreement with the language of thirty months from the signed date be updated. **Action:** Approve, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.

Motion passed unanimously.

CR 700 E

Mark Toy, citizen, stated that he has concerns with CR 700 E. The road was not finished after being put back after another coal mine was finished previously. Mr. Toy asked the Commissioners how long CR 700 E it will be for that road to be completed. Mr. Hartzberg stated that the coal mine associated with mining the CR 700 E was not REO coal mine, but that road repair would fall back to the state and the surety bond money associated with that mine. The Commissioners stated that they would like to have CR 700 E placed on the Commissioners meeting agenda for December 27, 2022, for discussion. Ed Hartzberg stated that he has contact information he can provide to Chris Winkler, Daviess County Highway Supervisor, and Grant Swartzentruber, Daviess County Attorney, that might help get the information needed for CR 700 E. Grant Swartzentruber, Daviess County Attorney, stated that the purpose of the road bond is to put that small piece back together, but the purpose of the surety bond is to guarantee that there are no issues. Chris Winkler, Daviess County Highway Department Supervisor, stated that when the Highway Department does upgrade a road and tile it makes a tremendous mess for years. The county grades the road and then the roads are thawed, and traffic runs on the road. It pushes the subbase out to the ditches. Then the county digs that dirt out of the ditches and that has been the procedure for ten years. Recently the highway department has changed the philosophy on how that procedure is done. Now the rock is removed off the road and dirt is placed back on the road and rolled. Then rock is placed back over that for three feet and eight-inch-wide tile. This does make a mess of the roads, but the roads need to come up. So, the elevation takes time to build up and may never gain all the elevation back, but that is the procedure on placing those previously mined roads back.

ROAD BONDS

Chris Winkler, Daviess County Highway Department Supervisor, stated he spoke to Grant Swartzentruber, Daviess County Attorney, about issues with the road bonds being too low. With inflation these needs to be adjusted. Also, some bonds from coal mines that have went out of service. The CR 700

E is a good example of that. The roads are out of service, the county has a bond on it, the state has a bond on it, and they are just sitting there not being used. Mr. Winkler feels those bonds need to be used to apply to the repair of these roads. If a coalmine needs to utilize these roads again then they would have to bond those roads again. The Commissioners asked for him to get the bond information together for the Commissioners meeting 12/27/2022 including CR 700 E.

SALT FACILITY

Chris Winkler, Daviess County Highway Department Supervisor, spoke to Commissioners regarding plans for a salt building at the Highway Department facility. Commissioner Ron Arnold has been assisting Mr. Winkler with facilitating and getting prices for that.

HIGHWAY EQUIPMENT

Mr. Winkler stated that he is also working ON prices for a new skid loader. There were some trucks that had been approved to be ordered by Commissioners previously that Ford decided not to make. Commissioner Taylor asked if there would have to be a rebid for those trucks or if they can use the second bid that was previously submitted for those. Mr. Winkler stated since it has been a year and half from the original bids that they are most likely not viable. The company that won the bid was given the opportunity to rebid a newer truck and see what the difference is, and Mr. Winkler has not heard back from them yet. The check that was wrote for those checks will need voided and started over. Commissioner Arnold stated he had spoken to Dobson Ford, and they told him that they had dozens of trucks ordered last year that were sold that they could not get and anticipates this next year being worse. Mr. Winkler stated that there were two tandem dump trucks that were previously approved by the Commissioners to order. That order has not been placed yet, but Mr. Winkler was reassured that the county would still get those.

HIGHWAY BUSINESS 50

Chris Winkler, Daviess County Highway Department Supervisor, came before the Commissioners regarding relinquishment of Highway Business 50. There was an offer from the state to relinquish this road to the county. The work that needs to be done and the cost to that road needs to be discussed. The funding that is in place to do some of the work on that road is more than what the state is offering to give the county to take the road over as it is. Commissioner Michael Talyor stated that in his opinion if the county is going to take the road over the state needs to rehab the road and get a good product. Then the county would be more willing to agree to the relinquishment back to the county. The cost to repair this road is going too far out way the amount the state offered. The amount the state offered the county was one million dollars to take the road or they would fix the road and give the county nothing. Commissioner Nathan Gabhart suggested having a deeper conversation on this at the next highway meeting because if the state would put the road back to INDOT (Indiana Department of Transportation) standards and maybe give money in the middle. There is a bridge on that road to consider as well. As well as drainage issues. Mr. Winkler stated that if the County accepted the states offer as is, the county would not receive any money for the bridge. Mr. Winkler received the rehab report on this bridge and did some investigating on what it would cost to repair the bridge according to the inspection report and it was around \$9,000.00. This makes the million dollars to take on the road is not enough. Recently the state reached out and raised the amount they would give for the county to take over the road to 1.5 million. The cost estimate on resurfacing the road and snow removal etc. would be somewhere between 2,200 to 3,000 in cars a day with heavy semi traffic. There would be snow removal at midnight for the semi's that load out at night and the county doesn't currently do that and would require much more extensive efforts to keep the road safe. Which would also mean additional cost. Mr. Winkler feels there needs to be a much deeper discussion over this. The state is on a timetable and wanting the county to make a decision soon. Commissioner Michael Taylor stated that the 1.5 million that was offered will add up quickly and the rest of the road will still have to be maintained. The Commissioners agreed to discuss this further at the next Highway meeting December 27,2022.

FARM LEASE #1 & #2 BIDS (Invitation to Bid, Bid Packet, Farm Lease #1, & Farm Lease #2)
Grant Swartzentruber, Daviess County Attorney, read the Invitation to Bid for Farm Lease #1 and Farm Lease #2. The sealed bids must be filed at the Office of the Daviess County Auditor no later than 9:00 A.M., on December 27, 2022. Bids will be opened at the regular meeting of the Daviess County Commissioners on December 27, 2022.

AMENDED INTERLOCAL AGREEMENT WITH THE TOWN OF MONTGOMERY

Michael Taylor, Daviess County Commissioners, stated that before them today is an Interlocal Agreement Amendment #1. This Interlocal Agreement is an agreement between the Daviess County Board of Commissioners and the Town of Montgomery. The Town of Montgomery and the County have mutual interest in reconstructing the 3rd Street overhead bridge within the Town of Montgomery. Nathan Gabhart, Daviess County Commissioner, stated that has spoken with Mike Healy, Montgomery Town Council member, and the Town of Montgomery's initial contribution has changed since the bid price changed. The updated amount is now \$4,294,301.75 and CCMG (Community Crossings Grant) funds as of May 2022 at \$1,000,000.00 the remaining balance is \$3,294,301.70. The remaining portion balance is now \$1,000,000.00 for the Town of Montgomery and \$2,294,301.70 for the County. The Town of Montgomery will reimburse the County (into the Cumulative Bridge Fund) over a twenty-year period. **Motion:** Approve Interlocal Agreement Amendment #1 between Daviess County and the Town of Montgomery, **Action:** Approve, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.

Motion passed unanimously.

ODON WINKLEPLECK LIBRARY PROPOSAL

Susan Graber, Director of the Odon Winklepleck Public Library, came before the Commissioners with a proposed resolution for the Odon Winklepleck Library. The resolution is to extend the Odon Winklepleck Library services to the North Daviess Community of Van Buren, Bogard, Steele, & Elmore townships. Ms. Graber presented the Commissioners with a library comparison regarding population, and budget. Also comparing how this proposal will affect the property taxes of the new districts. Currently the library serves Madison township and is wanting to expand that footprint. This proposal is looking at adding a property tax to Madison, Van Buren, Bogard and Steele, townships within the North Daviess area to add funding sources to the library. Ms. Graber stated that this proposal has not been brought before the citizens in these districts yet because as a board they decided that bringing the proposal before the County Commissioners should be the first step. Commissioner Arnold stated that he believes this is a good idea but doesn't want to throw something at citizens that would add to taxes without their approval. Elizabeth Schaffer, Odon Winklepleck Library board president, came before the Commissioners as well, explaining the upgrades to the library and the benefits of the library. Ms. Graber explained that the Odon library is part of the Evergreen system which is considered part of the Evergreen Consortium. In that consortium there are two different cards that are handed out. One is the Evergreen card and Blue card. If you are a resident of Madison township you can get an Evergreen card which gives full access to everything the library has to offer. This also allows those card holders to access other libraries in the consortium. Which consist of 130 libraries now in the state of Indiana. The blue card is given out for teachers and students of North Daviess Community Schools for access to the library. If a person wants more than the Blue card and does not live in Madison Township, they will pay what is considered a non-resident fee which is \$25.00. Mrs. Schaffer also added that the library has internet service. If the proposal were approved the library would be able to stay open more hours and be available to people. There is an area behind the library when it's not opened that internet service is available as well. Ms. Graber stated their top goal is to serve and give the North Daviess community a great resource. The current budget is \$81,500.00 and this would increase the budget to \$185,297.00. Currently the library is open 25 hours a week and this would increase hours to around 42 hours a week. The Commissioners agreed there is a need and being a rural county there is a need for the internet services etc. and having the resources available. The Commissioners are asking for letters of support from town boards, North Daviess Community School, local businesses, or township trustees. The Commissioners requested that the Odon Winklepleck Library proposal be placed on the December 27, 2022, meeting.

SURVEILLANCE POLICY-DALE QUAKENBUSH

Dale Quakenbush, Daviess County IT Director, came before the Commissioners regarding the Surveillance Policy. Stating that he has spoken with County Attorney Grant Swartzentruber regarding the legal language of the policy. Grant Swartzentruber, Daviess County Attorney, stated that he wanted to make sure the Surveillance policy and Security Policy go hand in hand. Also stating that the Access to Public Records Act may come into play with some of this and he wants to make sure they are putting forth a policy that makes sense to everybody. Nathan Gabhart, Daviess County Commissioner, stated that we have the cyber security side and then there is the public request side that both needs considered. Ensuring a process that needs to be followed for request. Mr. Quakenbush stated he felt that the Surveillance Policy should be inside the Security Policy when it's all completed. The Commissioners asked that the Surveillance Policy/Security Policy be placed back on the January 24, 2023.

RESOLUTION TO CONDUCT A COMMISSIONERS' SALE

Before the Daviess County Commissioners is Resolution 2022-5 A Resolution Establishing the Intent to Conduct a Commissioners' Sale to Sell Tax Sale Certificates for Properties That are Severely Delinquent in Payment of Property Taxes. Grant Swartzentruber, Daviess County Attorney, stated that this resolution needs to be signed in order for SRI to conduct the 2023 Commissioners' tax sale in the spring. Jennifer Welsh, Daviess County Auditor, stated that the Commissioners' tax sale was approved at the Commissioners' meeting November 22, 2022, and the Commissioners agreed to start the minimum bid at \$100.00.

Motion: Approve Resolution 2022-5 A Resolution Establishing the Intent to Conduct a Commissioners' Sale to Sell Tax Sale Certificates for Properties That Are Severely Delinquent in Payment of Property Taxes, **Action:** Approve, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.

Motion passed unanimously.

2023 BUGGY FEES

Nathan Gabhart, Daviess County Commissioner, explained that the buggy fee is like a user tax for horse and buggy's wear and tear damages to the road. The Commissioners have gradually increased the fee for buggy plate fees/permits. After speaking with the Amish Safety Committee Mr. Gabhart stated that they are alright with the increase and understand its purpose but ask that the school pony carts be cheaper because of less wear. There will be a \$500.00 penalty for buggies not permitted. Commissioner Nathan Gabhart has been looking into different types of permit tags more visible and color coded for law enforcement to view better. The permit fee starting January 1, 2023, is \$125.00 per buggy and \$75.00 per pony cart. There were letters sent out to the Amish Community regarding the proposed change and there has been no negative feedback. Jennifer Welsh, Daviess County Auditor, stated that the purchase of these permits' cans tart as of Jan 1, 2023, through December 31, 2023. Daviess County Attorney, Grant Swartzentruber, will update the buggy ordinance to reflect the changes. The lost and replacement fee for permits is \$75.00 and permits will now be a sticker and not a plate.

Motion: Approve the buggy permit tag cost starting January 1, 2023, for \$125.00 per buggy, \$75.00 for school pony carts, and \$75.00 for any replacement permit tags, **Action:** Approve, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.

Motion passed unanimously.

2023 NOT FOR PROFITS

The following is the 2023 Not for Profits amounts:

Daviess County 4-H Club Assoc.	\$15,000.00
Senior & Family Services	\$12,000.00
Four Rivers	\$19,000.00
RSVP	\$7,900.00
Connections	\$2,500.00
Daviess County Historical Society	\$40,000.00

Ride Solution \$7,500.00
Daviness County Fair \$6,000.00

Motion: Approve the 2023 Not for Profits, Daviness County 4-H Club Assoc. \$15,000.00, Senior & Family Services \$12,000.00, Four Rivers \$19,000.00, RSVP \$7,900.00, Connections \$2,500.00, Daviness County Historical Society \$40,000.00, Ride Solution \$7,500.00, Daviness County Fair \$6,000.00, **Action:** Approve, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.
Motion passed unanimously.

COURTHOUSE RENOVATION UPDATES

Nathan Gabhart, Daviness County Commissioner, gave an update on the Daviness County Courthouse renovations. Tomorrow there is a meeting with the courthouse renovation committee and department heads. The goal for tomorrow's meeting is to get the footprint decided.

Michael Taylor, Daviness County Commissioner, stated that there have been some complaints with the second floor of the Government Center building having popping noises. Commissioner Taylor stated that he has contacted RQAW Architect, and they will be looking the issue.

PAYROLL DOCKET 12/02/2022

Motion: Approve, **Action:** Approve payroll as presented, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.
Motion passed unanimously.

CLAIMS DOCKET 11/21/2022 Visa, 12/5/2022 Utility, 11/22/2022 Utility, 11/23/2022 Postage, 12/1/2022 Postage, & 12/16/2022 claims.

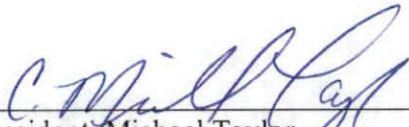
Motion: Approve, **Action:** Approve claim dockets as presented, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.
Motion passed unanimously.

INFORMATION


- a. CENTER POINT ENERGY
- b. IDEM NOTICE OF DECISION 12/2/2022 GRABER POST BUILDINGS
- c. IDEM OFFICE OF WATER QUALITY

ADJOURN


Motion: Adjourn, **Action:** Approve to adjourn, **Moved by** Nathan Gabhart, Vice President, **Seconded by** Ron Arnold, Secretary.
Motion passed unanimously.



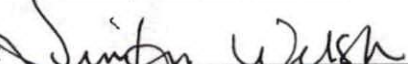
President, Michael Taylor



Secretary, Ron Arnold



Vice President, Nathan Gabhart

ATTEST: 

Jennifer Welsh, Auditor of Daviness County