

March 15, 2022

Council Chambers  
Vigo County Annex  
Terre Haute, Indiana

**Roll Call:**

**Present:** Chris Switzer, Mike Morris and Brendan Kearns

**Others Present:** County Attorney Jared Modesitt, Auditor James Bramble, Chief Deputy Auditor Cheryl Loudermilk, Diana Winsted-Smith, Tim Cunningham, Kevin Gardner, Kara Wright, Terry Bays, Todd Thacker, Josie Thompson, Aaron Loudermilk, Kylissa Miller, Howard Greninger, Joey Lehman, and several members of the public.

**Pledge of Allegiance.**

Chris Switzer called the meeting to order and led the Pledge of Allegiance.

**Review of Minutes/Claims.** Auditor James Bramble presented meeting minutes for March 1, 2022, rezoning meeting minutes for March 9, 2022, and bid opening minutes for March 14, 2022 for approval. Chris Switzer made a motion to approve all minutes. Brendan Kearns seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

Mr. Bramble then presented the Board with expenditures for the period of February 26, 2022 through March 4, 2022 in the amount of \$1,661,789.50 plus payroll in the amount of \$1,047,211.44 for a total amount of \$2,709,000.94 and expenditures for the period of March 5, 2022 through March 11, 2022 in the amount of \$791,642.75. Mr. Bramble said that it is best to make separate motions to approve the claims because that is one of the factors used for reimbursement of federal indirect costs. The number of financial decisions made factors into how much the Commissioners' budget gets reimbursed by the federal government. Brendan Kearns made a motion to approve the February 26, 2022 through March 4, 2022 claims in the total amount of \$2,709,000.94. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed. Brendan Kearns made a motion to approve the March 5, 2022 through March 11, 2022 claims in the total amount of \$791,642.75. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

**Demolition Contract, Asbestos Removal – Building Commissioner.** There are three contracts from Building Inspection for approval. Building Inspection does have the money to pay for all of them. The contracts are for the following:

S & G Excavating	4684 N. Fruitridge Street	\$ 5,000
	1728 W Rushmore Drive	<u>\$ 4,800</u>
		\$ 9,800
Bell and Bell	7701 N. 38 <sup>th</sup> Street	\$ 7,450
	7736 E. Devonald Street	\$ 7,930
	2015 Blue Ridge Drive	\$ 7,280
	3961 S. 8 <sup>th</sup> Street	\$ 9,100
	1642 W. Michaels Avenue	\$ 6,280
	8332 N. Pottsville, West Terre Haute	\$ 5,600

	986 US Highway 150	\$ 5,600
		\$49,240
C&E Environmental	3961 S. 8 <sup>th</sup> Street (asbestos removal)	\$ 2,995

Brendan Kearns made a motion to approve the contracts to remove the blighted properties. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

**Contract for Surveyor Services (name change only contract signed last year) - Surveyor.** Chris Switzer said that this is a contract signed last year with Myers Engineering who is now going to be called Align CEC, Inc. This is the same document signed last year, just with a new name. Mike Morris made a motion to execute the contract. Brendan Kearns seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

**Resolution Concerning the Appointments for Thralls Regional Sewage Station – Commissioners.** This concerns the appointments to the Thralls Station Regional Sewer District. There was an issue with the dates that the terms ended and this will correct that error. The Board consists of the following:

	<b>Term Ending Date</b>
Rose Ann Eaton, S.P.	December 31, 2024
Martha Wessel, S.P.	December 31, 2024
Denise Wilkinson, S.P.	December 31, 2022
Kathleen Leonard, S.P.	December 31, 2022
Janet Gillian, S.P.	December 31, 2022

Brendan Kearns made a motion to approve Resolution 2022-02 Concerning the Appointment of the Board Members of Thralls Station Regional Sewer District. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed. These members had also executed the annual Uniform Conflict of Interest Disclosure Statement concerning these appointments.

**Utility Easement – Engineering.** Larry Robbins presented a Utility Easement that is a request from Indiana-American Water Company for a 5’ utility easement on the north side of Moyer Road for Noel Meadows development. It is only a few hundred feet along the north side. This does set a precedent for utility companies requesting to use the right-of-way in this fashion. Basically, any construction done by Vigo County in the future would require reimbursement to the utility if they would have to relocate. There was a short discussion. Mr. Robbins said that this is new to us but not a new concept throughout the state. The likelihood of the road in this area being expanded is pretty slim. Mike Morris made a motion to approve this easement. Brendan Kearns seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

Mr. Robbins then talked about the bids received yesterday for the annual bids for sand and gravel and pipe bids. Bids were received for sand and gravel from S&G Excavating and McGuire Excavating. Traditionally, the Commissioners have accepted all bids and then the County goes with the lowest cost at the time depending on the area where the work is being done. They generally use the cheapest cost except in an emergency situation. Mr. Robbins recommended accepting the bids from both S&G and McGuire for sand and gravel. Mike Morris made a motion to accept these bids. Brendan Kearns seconded the motion. Upon a voice vote of 3-0, the motion was unanimously passed. The other bid

yesterday was for pipe supply and miscellaneous bridge items. The only bidder for that was E-3 Bridge. Mr. Robbins did note that in 2022, culvert steel prices went up 219% so it will take quite a hit this year. The prices will reflect those increases as well as some forecasted increases throughout the year. While unfortunate, this is what we have to deal with in the world we live in now. He did recommend accepting the bid from E-3 Bridge. Mike Morris made a motion to accept this bid. Brendan Kearns seconded the motion. Upon a voice vote of 3-0, the motion was unanimously passed. Mr. Robbins noted that we will have to re-advertise for asphalt since we received no asphalt bids.

**Letter of Understanding RBO – Commissioners.** Brendan Kearns asked John Bryan, with the Ironworkers Local 22 and a delegate to Wabash Valley Building Trades, to give an overview of the Letter of Understanding. They had been working on this for quite a while and had several discussions regarding the Responsible Bidder Ordinance. This is basically just updating the Ordinance amending what is already in existence to set up some enforcement with it which will cover some of the tax abatements to give the Commissioners a broader purview on the subject to enforce the Ordinance. In the past, there has been no specific entity to go to enforce the Ordinance. Chris Switzer had some issues with some of the language. A lengthy discussion took place. Mr. Switzer stated that he has always wanted to see something that both the City and County can agree on that can be voted on simultaneously. He felt that the County Council, who gave the tax abatements, should be the body to enforce problem resolutions with abatements. He said the Commissioners have no powers of enforcement according to documents given to him regarding the jobs, duties and powers of a Commissioner. He said they have steps and measures to enforce things by other departments in this building. When asked by Mr. Bryan who the buck should stop with, Mr. Switzer said it should stop with the County Council, the same as when City issues were dealt with by the City Council. Mike Morris asked for clarification about some of the language and discussion took place. Mr. Bryan said that this amendment was not something trying to shut down a project after it started. This deals with a project while the bids are being put in place and someone can raise the question of whether or not the bidder meets the requirements of the Responsible Bidder Ordinance. That is when the requesting party would be looking to the Commissioners to confirm that. This would pertain not only to tax abatements but to any projects using taxpayer money. County Council President Aaron Loudermilk and Councilman Todd Thacker were present and contributed to the discussion. After a lengthy, involved discussion, Chris Switzer made a motion to table this matter until more information could be ascertained. Brendan Kearns seconded the motion. Voting was as follows: Chris Switzer – aye; Mike Morris – nay; Brendan Kearns – aye.

**LDA – Commissioners.** This is the agreement with Churchill Downs and our community for the casino to be located in this County. Mr. Switzer read portions of the agreement to the meeting. One important aspect of the agreement is the establishment of a 501(c)(3) to be formed at the expense of CDITH, LLC (the “Company” who will be operating the casino) to be run by an 8-member board consisting of one District 1 County Commissioner or their appointee; one District 2 County Commissioner or their appointee; one District 3 County Commissioner or their appointee; two members consisting of the Mayor of the City of Terre Haute or their appointees; two members who are employees of the Company or its ultimate parent, Churchill Downs Incorporation; and one member of the Chamber of Commerce. Priorities of the Foundation include, but are not limited to, economic development, health and wellness, infrastructure, quality of life, talent attraction/retention, and tourism. The Company commits to pay the Foundation on the 10<sup>th</sup> day of the first full calendar month after the Effective Date (as defined earlier in this agreement) and continuing each month thereafter as follows: 3% of the adjusted gross receipts (“AGR”) up to \$175,000,000.00 and 3.25% of AGR exceeding \$175,000,000.00 per calendar year and an amount equal to 3% of the taxable sports wagering AGR generated from operations or received from

any third-party sports wagering vendor. Once this document has been signed, it can be taken by Churchill Downs back to the Indiana Gaming Commission showing good faith and that the County is ready to move forward with the development agreement. Councilman Todd Thacker questioned why the Chamber of Commerce was included on the board when all others (except the company) were government employees or county/city officials. It was noted that the Chamber had been heavily involved in advocating this for the community. A lengthy discussion took place. Brendan Kearns made the point that he initially had questioned the Chamber being included but after talking with them and seeing their community plan, he was good with them having a seat. He expanded further on their community plan. Discussion continued. Sean Reynolds with the Sheet Metal Workers commented on the casino. Mike Morris made a motion to approve the LDA. Brendan Kearns seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

**Comments or other business from Commissioners or other Elected Officials.** There was a short discussion among the Commissioners about a possible agenda item. It was decided that it would be discussed at the next meeting.

**Public Comments.** There were none.

The meeting recessed at 10:10 a.m.



Chris Switzer, President



Mike Morris, Vice President



Brendan Kearns, Secretary

Attest:



James Bramble, Auditor