

**THE MORGAN COUNTY BOARD OF COMMISSIONERS AND MORGAN COUNTY COUNCIL MET IN A JOINT MEETING ON MONDAY, NOVEMBER 28, 2022 AT 5:00 P.M.**

COMMISSIONER MEMBERS PRESENT WERE: KENNY HALE, BRYAN COLLIER AND DON ADAMS. COUNCIL MEMBERS PRESENT WERE: KIM MERIDETH, TROY SPRINKLE, KELLY ALCALA, JASON MAXWELL, CHIP KELLER AND MELISSA GREENE. ALSO PRESENT WERE: DEB VERLEY, EXECUTIVE ASSISTANT; JOSH MESSMER, COUNTY ADMINISTRATOR; DAN BASTIN, COUNTY AUDITOR; AND AUDITOR-ELECT LINDA PRUITT. ZACH KLUTZ, TAFT LAW; SAM SCHRADER, BAKER TILLY; ERIC RATTS, DLZ; AND GREG MARTZ, GM DEVELOPMENT WERE ALSO PRESENT. VICKIE KIVETT WAS ABSENT.

PLEDGE

PRAYER – *Kenny Hale*

**PUBLIC HEARING** – *Lease Agreement*

Kenny Hale noted that there was a sign-in sheet for anyone wanting to speak. Kim Merideth noted that Vickie Kivett was not feeling well and was not able to be present. Ms. Merideth stated that items for discussion include the lease agreement for the Justice Center Project and Ordinance 2022-17 An Ordinance of the Council of Morgan County Indiana making Determinations Related to the Justice Center Building Project, Authorizing the Form of and Execution of Lease, Appropriating the Lease Rentals to Such Purposes, Approving the Issuance of Bonds and Related Matters. Bryan Collier made a motion to open the public hearing. Motion seconded by Don Adams. Motion carried 9-0.

Zach Klutz, Taft Law, serving as bond counsel, stated that the public hearing is required and public comments are invited.

The lease allows financing not to exceed \$33,000,000; however at this time, they believe this amount will be \$30,365,000 and an interest rate of 5.1% is currently locked in. The closing date is December 30 and the annual payments is not to exceed \$3 million. (Currently it is estimated to be \$2.53 million. They will not know the exact amount until closing, at which time the lease will be updated by an addendum with the amounts.

Sam Schrader, Baker Tilly, stated that the annual lease rental payments will be paid through a debt service rate of approximately 5 cents. For a house assessed at \$300,000 there will be an increase in the property tax bill of approximately \$55. The median home value in the county is \$160,000 so a majority of tax payers will see an annual increase of less than \$50. Kim Merideth and Kenny Hale asked if there were any questions from the Council or Commissioners. There were none. Ms. Merideth asked if there were any questions or comments from the public.

Bryan Collier, speaking as a taxpayer, stated that he has never been prouder and thanked each of the board members for approving the project. Mr. Collier stated that 100 years from now, no one will remember who was on the Council or the Commissioners, just like no one remembers who the Commissioners were in 1857. This shows that the county is moving forward, but still conservative in their demeanor.

Chip Keller stated that he was fortunate to attend Judge Pete Foley's swearing-in ceremony and former Commissioner and Council member, Jeff Quyle, was in attendance. Mr. Quyle made a point to inform Mr. Keller that he was glad to see the county take this step and thought it was a great thing.

Judge Brian Williams thanked the Council and Commissioners and stated that they could take the lack of public presence as a show of being resigned to the fact that they need to do this. They have gotten 160 years of use out of the Courthouse and there are things that are obsolete. This project is being done through collaboration; it is overdue and a tough pill to swallow, but it should last for decades.

Melissa Greene made a motion to close the public hearing. Motion seconded by Troy Sprinkle. Motion carried 9-0.

**ORDINANCE #2022-17**

Zach Klutz stated that this Council ordinance approves the terms and conditions of the lease agreement. It recommends to the Board of Commissioners that they sign the lease, approve the Building Corporation’s issuance of bonds, accepts title, and pledges the full faith of the county for payment of the lease rental fee through a property tax levy and ratifies and approves the incorporation and establishment of the Corporation and ratifies and approves the Articles of Incorporation for the Building Corporation. Kelly Alcala made a motion to approve Ordinance #2022-17. Motion seconded by Chip Keller. Motion carried 6-0.

**RESOLUTION #2022-11-28**

Zach Klutz stated that this Resolution of the Board of Commissioners of Morgan County, Indiana Authorizing the Execution of a Lease Agreement and Ratifying and Affirming Certain Actions of the County Council of Morgan County, Indiana Related Thereto confirms, approves and authorizes the lease agreement and authorizes the sale of the parcel that the project is being built upon to the Building Corporation and ratifies and confirms the County Council’s pledge of property tax to pay the lease. Bryan Collier made a motion to approve the resolution. Motion seconded by Don Adams. Motion carried 3-0.

**CONTRACTOR AGREEMENT**

Josh Messmer stated that an employee would like to retire and work for the county as a contractor. The office the employee works in has had an attorney draft a contract and the contract has also been reviewed by Taft Law. If both the Commissioners and Council are open to consider a contract, then this will be on the next agenda and the Salary Ordinance would be amended. Kelly Alcala asked if the duties and hours will be the same and stated that there is a fine line with the IRS regarding an employee and contractor. Mr. Messmer stated that it is a low probability, but there is some risk. Ms. Alcala stated that if the contractor receives direction from the office holder, they would view it as an employee. Mr. Messmer stated that if a legal issue were to arise, it would fail some of the tests. Dan Bastin stated that there is an IRS checklist that they would need to go through and they would have to sever the employee relationship. Ms. Alcala noted that the contract stated that the contractor would oversee employees and that is a problem. Dan Bastin stated that the Commissioners should go through the IRS checklist. No action taken.

**ADJOURNMENT**

Chip Keller made a motion to adjourn the meeting. Motion seconded by Melissa Greene. Motion carried 6-0. Bryan Collier made a motion to adjourn the Commissioners. Motion seconded by Don Adams. Motion carried 3-0.

MORGAN COUNTY BOARD OF COMMISSIONERS

MORGAN COUNTY COUNCIL

\_\_\_\_\_  
Kenny Hale

\_\_\_\_\_  
Kim Merideth

\_\_\_\_\_  
Bryan Collier

\_\_\_\_\_  
Vickie Kivett

\_\_\_\_\_  
Don Adams

\_\_\_\_\_  
Troy Sprinkle

\_\_\_\_\_  
Kelly Alcala

\_\_\_\_\_  
Jason Maxwell

\_\_\_\_\_  
Melissa Greene

ATTEST:

\_\_\_\_\_  
Chip Keller

\_\_\_\_\_  
Dan Bastin, Morgan Co. Auditor