

STATE OF INDIANA)
SS)
COUNTY OF CLAY)

MAY 5, 2025

The May 5, 2025 Regular meeting of the Clay County Commissioners was called to order by Bryan Allender at 9:00 a.m. Those present included Commissioners Paul Sindera, Marty Heffner, and Bryan Allender. Also attending was Eric Somheil, Attorney for the County Executive. Patricia A Foxx made a record of the proceedings to wit:

Mike Heaton led the Pledge to the Flag followed with prayer by Marty Heffner.

A motion to approve April 7, 2025 Regular meeting minutes and April 15, 2025 Special meeting minutes was made by Marty Heffner and seconded by Paul Sindera. Motion carried 3-0.

Public Meeting for Posey Township Fire Protection, Fire Fund Ordinance 2025-06 was held. Larry Temple, representing Perry Township Fire Protection was present. No one from the public spoke.

Motion to close the Public Meeting was made by Paul Sindera and seconded by Marty Heffner. Motion carried 3-0.

Motion to suspend the rules for Posey Township Fire Protection Fire Fund Ordinance 2025-06 was made by Marty Heffner and seconded by Paul Sindera. Motion carried 3-0.

Motion to approve the Posey Township Fire Protection Fire, Fund Ordinance 2025-06 was made by Marty Heffner and seconded by Paul Sindera. Motion carried 3-0.

PRESENTATION FROM STATE REPRESENTATIVE TIM YOCUM

State Representative Tim Yocum was present to present a proclamation from the Indiana House of Representatives to the Commissioners and the Bicentennial Committee to recognize Clay County being 200 years old on April 1, 2025.

IN THE MATTER OF CONSIDERATION OF ORDINANCE 2025-07

ORDINANCE NO. 2025-07

AN ORDINANCE VACATING A PART OF A COUNTY ROAD IN HARRISON TOWNSHIP, INDIANA

WHEREAS on April 14, 2025 a petition pursuant to Indiana Code Section 36-7-3-12 to vacate a part of a road in Harrison Township, Clay County was duly filed with the Secretary of the Board of Commissioners of the County of Clay, and

WHEREAS the petition was set for hearing on Monday, May 5, 2025 at 9:00 A.M. before the Board of Commissioners of the County of Clay after notice by publication was given as required by law in Indiana Code Chapter 5-3-1, and

WHEREAS the petition was found to be in due form and content and that the closing and vacating of the road would in no way be adverse to the best interests of Clay County, Indiana or to any other person, the Board of Commissioners of the County of Clay now finds that the petition should be granted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY as follows:

SECTION ONE Vacating of County Road

The following described unused county road located in Harrison Township, Clay County, Indiana be and hereby is vacated as a public way:

All that part of E. County Road 1000 S on the section line dividing Section 4, Township 9 North, Range 6 West and Section 9, Township 9 North, Range 6 West beginning at northwest corner of the Northeast quarter of the Northwest Quarter of Section 9; thence east approximately 3,960 feet to the northeast corner of the Northeast Quarter of the Northeast Quarter of Section 9, being the west line of State Road 157; thence north 14 feet to the southeast corner of the Southeast Quarter of the Southeast Quarter of Section 4; thence west approximately 3,960 feet to the southwest corner of the Southeast Quarter of the Southwest Quarter of Section 4; thence south 14 feet to the point of beginning, located in Harrison Township, Clay County, Indiana.

SECTION TWO
Repeal of Conflicting Ordinances

All ordinances or any parts thereof previously enacted which are in conflict with the provisions of this ordinance are hereby repealed.

SECTION THREE
Effect of Ordinance

This ordinance shall be in full force and effect from and after its passage and publication, if any, as required by law.

SECTION FOUR
Recordation of Ordinance

The Secretary of the Board of Commissioners of the County of Clay shall furnish a copy of this ordinance to the Clay County Recorder for recording and to the Clay County Auditor for transfer.

ORDERED AND ESTABLISHED this 5th day of May, 2005.

Bryan Allender /s/
Bryan Allender
Commissioner, Clay County, Indiana

Marty Heffner /s/
Marty Heffner
Commissioners, Clay County, Indiana

Paul Sindere /s/
Paul Sindere
Commissioner, Clay County, Indiana

Patricia Foxx /s/
Patricia Foxx
Secretary of Board of Commissioners of the
County of Clay

Attorney Jim Deal presented Ordinance 2025-07 to vacate CR 1000 South in Harrison Township. Paul Sindere had visited the road and had discovered if all of CR 1000 W would be vacated, one parcel of land would be landlocked. Paul Said that the ordinance would need to be amended. So, the parcel of land will not be landlocked, 335 feet of the road from SR 157 to the west will be kept open. Attorney Jim Deal will amend the ordinance so the one parcel of land will not be landlocked and will present the revised ordinance at the June Commissioner's meeting.

A motion to approve the first reading of Ordinance 2025-07 as presented was made by Paul Sindere and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF CONSIDERATION OF ORDINANCE 2025-08

ORDINANCE NO 2025-08

AN ORDINANCE VACATING STREETS IN COALMONT, INDIANA

WHEREAS on April 18, 2025 a petition pursuant to Indiana Code Section 36-7-3-12 to vacate a part of streets in Coalmont, Lewis Township, Clay County was duly filed with the Secretary of the Board of Commissioners of the County of Clay, and

WHEREAS the petition was set for hearing on Monday, May 5, 2025 at 9:00 AM. before the Board of Commissioners of the County of Clay after notice by publication was given as required by law in Indiana Code Chapter 5-3-1, and

WHEREAS the petition was found to be in due form and content and that the closing and vacating of the road would in no way be adverse to the best interests of Clay County, Indiana or to any other person, the Board of Commissioners of the County of Clay now finds that the petition should be granted.

NOW THEREFORE, BE IT ORDAIN -BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY as follows:

SECTION ONE Vacating of County Road

The following described unused streets located in Coalmont, Lewis Township, Clay County, Indiana be and hereby is vacated as a public way:

All that part of Diamond Place Street in Coalmont Proper running east and west and more particularly described as follows: Beginning at the northwest corner of Lot 41 in Coalmont Proper; thence east 450 feet to the northeast corner of Lot 49; thence north 30 feet or to the southeast corner of Lot 50; thence west 450 feet to the southwest corner of Lot 58; thence south 30 feet to the place of beginning.

ALSO, all that part of an unnamed street in Coalmont Proper running north and south and more particularly described as follows: Beginning at the southeast corner of Lot 49 in Coalmont Proper; thence north 150 feet to the southeast corner of Lot 50; thence east 40 feet; thence south 150 feet; thence west 40 feet to the place of beginning

SECTION TWO
Repeal of Conflicting Ordinances

All ordinances or any parts thereof previously enacted which are in conflict with the provisions of this ordinance are hereby repealed.

SECTION THREE
Effect of Ordinance

This ordinance shall be in full force and effect from and after its passage and publication, if any, as required by law.

SECTION FOUR
Recordation of Ordinance

The Secretary of the Board of Commissioners of the County of Clay shall furnish a copy of this ordinance to the Clay County Recorder for recording and to the Clay County Auditor for transfer.

ORDERED AND ESTABLISHED this 5th day of May, 2025

Bryan Allender /s/
Bryan Allender
Commissioner, Clay County, Indiana

Marty Heffner /s/
Marty Heffner
Commissioners, Clay County, Indiana

Paul Sindere /s/
Paul Sindere
Commissioner, Clay County, Indiana

Patricia Foxx /s/
Patricia Foxx
Secretary of Board of Commissioners of the
County of Clay

Attorney Jim Deal presented Ordinance 2025-08 to vacate Diamond Place Street in Coalmont property at the northwest corner of Lot 41 in Coalmont Proper; thence east 450 feet to the northeast corner of Lot 49, thence southwest corner of Lot 58; thence south 30 feet to the place of beginning. Also, all that part of an unnamed street in Coalmont Proper running north and south and more particularly described as follows: Beginning at the southeast corner of Lot 49 in Coalmont Proper; thence north 150 feet to the southeast corner of Lot 50; thence east 40 feet; thence south 150 feet; thence west 40 feet to the place of beginning.

Some concerned land owners from Coalmont were present to ask about the streets being closed. After discussion with the County Recorder, the concerns were resolved.

Motion to suspend the rules was made by Marty Heffner and seconded by Paul Sindere. Motion passed 3-0.

A motion to approve Ordinance 2025-08 as presented was made by Paul Sindere and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF CONSIDERATION OF BASTION SERVICE LICENSE AGREEMENT OF FIDLAR TECHNOLOGIES

Nichole Keller, Clerk, presented 5 Fidler contracts. The contracts are Bastion Service License Agreement, Bastion Addendum, Computer System and Software License Sales Agreement, Bastion Service License Agreement Version 1.9 Schedule A, and Media Conversion Agreement.

A motion to approve Bastion Service License Agreement as presented was made by Marty Heffner and seconded by Paul Sindere. Motion carried 3-0.

A motion to approve Bastion Addendum as presented was made by Marty Heffner and seconded by Paul Sindere. Motion carried 3-0.

A motion to approve Computer System and Software License Sales Agreement as presented was made by Paul Sindere and seconded by Marty Heffner. Motion carried 3-0.

A motion to approve Bastion Service License Agreement Version 1.9 and Schedule A as presented was made by Paul Sindere and seconded by Marty Heffner. Motion carried 3-0.

A motion to approve Media Conversion Agreement as presented was made by Marty Heffner and seconded by Paul Sindere. Motion carried 3-0.

IN THE MATTER OF CONSIDERATION SYCAMORE ENGINEERING CLAIM

Bryan presented Sycamore Engineering claim for the Chiller Unit that was put in the old county justice area in January 2025. The claim amount is

\$186,000.00 per bid approval. The claim is approved pending the additional appropriation at the Council meeting tonight.

A motion to approve Sycamore Engineering claim as presented, pending County Council approval of the additional appropriation at tonight's meeting, was made by Paul Sindere and seconded by Bryan Allender. Motion carried 3-0.

IN THE MATTER OF CONSIDERATION OF COUNTY HIGHWAY ANNUAL REPORT

Paul presented the Annual Highway Report which was compiled by the County Highway and Auditor's office. The Annual Highway Report is for 2024 to be considered for approval by the Commissioners which will be submitted to the State.

Motion to approve the Annual Highway Report as presented was made by Marty Heffner and seconded by Paul Sindere. Motion carried 3-0.

IN THE MATTER OF UPDATE FROM HAMILTON CENTER

Brittany Lee was present to announce that she had taken a new position with Hamilton Center and would no longer be working in Brazil. Brittany announced that Monica Wallace would be taking her place at Brazil.

IN THE MATTER OF MEMORANDUM OF UNDERSTANDING FROM CLAY COMMUNITY SCHOOL CORPORATION

Paul presented the updated Memorandum of Understanding from the Clay Community School Corporation which will be renewed on an annual basis.

A motion to approve Memorandum of Understanding as presented was made by Paul Sindere and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF BID SPECS FOR THE HIGHWAY DEPARTMENT EQUIPMENT STORAGE BUILDING

Bryan presented the Request for Bids to Highway Equipment Storage Building to be opened June 2nd, 2025 at the Commissioner's Meeting. Eric Somheil will place the bid ad in the newspaper. If the bids are \$200,000.00 or higher, a bond will be required.

A motion to approve Request for Bids for the Highway Equipment Storage Building as presented was made by Marty Heffner and seconded by Paul Sinderson. Motion carried 3-0.

IN THE MATTER OF GIS MAP COORDINATOR

Paul presented transferring the GIS Map from Auditor's office to the Surveyor's office.

A motion to approve GIS Map Coordinator as presented was made by Marty Heffner and seconded by Paul Sinderson. Motion carried 3-0.

IN THE MATTER OF MILESTONE CONTRACT FOR THE COMMUNITY CROSSING GRANT

Paul stated that INDOT now requires the County to sign a contract with the company approved to do the Community Crossing paving. Milestone was awarded for the Community Crossing grant in last month's meeting.

A motion to approve Milestone Contract as presented was made by Paul Sinderson and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF SOWING ENRICHED AND ENHANCED DATASETS (SEED) GRANT

Sheriff Brison Swearingen presented the Sowing Enriched and Enhanced Datasets grant which is with the NG911 GIS proposal in April. This is a pass-through grant which is now presented to the Commissioners.

A motion to approve Sowing Enriched and Enhanced Datasets (SEED) grant as presented was made by Paul Sinderson and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF CONSIDERATION FOR AMENDED CLAIMS ORDINANCE 2025-09

ORDINANCE NUMBER 2025- 09

ORDINANCE AS TO PRE-APPROVED or PRE-PAID CLAIMS

WHEREAS, by Ordinance 2014-26, there were provisions as to pre-approved and/or pre-paid procedures. That due to changes in the laws, such Ordinance 2014-26 is modified as follows:

- (A) The following categories are designated for pre-approved or pre-payment procedures:
1. Property or services purchased or leased from the U.S. government, its agencies or its political subdivisions;
 2. License or permit fees;
 3. Insurance premiums;
 4. Utility payments or utility connection charges;
 5. General grant programs where advance funding is prohibited;
 6. Grants for State funds authorized by statute;
 7. Maintenance or service agreements;
 8. Lease or rental payments;
 9. Bond or coupon payments;
 10. Payroll;
 11. State or federal taxes;
 12. Expenses paid for emergency services;
 13. Collect freight deliveries;
 14. Conference registration approved by the Board of Commissioners along with prepaid hotel accommodations to receive the tax-exempt waiver;
 15. Reimbursement for conference expenses incurred while attending approved conferences along with fully detailed receipts;
 16. Credit card or charge card expenses incurred by county government offices for lawful purposes along with fully detailed receipts; and
 17. Postage
 18. Purchased County Vehicles
 19. Prosecutor & Court prepaid claims due to Jury Trial.
 20. Drug Money Claims
- (B) Pursuant to Indiana Code, each payment must be fully itemized and each invoice or bill certified by the county auditor. The Board of Commissioners shall review and allow the pre-approved or pre-paid claim at its next regular or special claims meeting following the pre-approved payment of the expense.
- (C) This Ordinance supersedes any prior Ordinance contrary hereto.

ADOPTED BY THE BOARD OF COMMISSIONERS OF CLAY COUNTY, INDIANA
on this 5th day of May, 2025.

Bryan Allender/s/
Bryan Allender, President

Marty Heffner /s/
Marty Heffner, Member

Paul Sinderson/s/
Paul Sinderson, Member

ATTEST:
Patricia A Foxx/s/
Patricia A Foxx
Clay County Auditor

Patti explained that the Sheriff will need drug money at random times that is not within the claims cycle. Approving Ordinance 2025-09 will permit the early payment of drug money.

A motion was made by Paul Sinderson and seconded by Marty Heffner to suspend the rules for Ordinance 2025-09. Motion carried 3-0.

Motion to approve the Amended Claims Ordinance 2025-09 was made by Paul Sinderson and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF CONSIDERATION FOR UNOFFICIAL DETOUR DES #2500911

The Unofficial Detour Des #2500911 is in Paul Sinderson district. Location is SR 246 to CR 500 W to CR 1450 to SR 59.

A motion to approve Unofficial Detour DES #2500911 as presented was made by Paul Sinderson and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF CONSIDERATION FOR COUNTY APPOINTMENTS

Bryan presented the Clay County Redevelopment Commission appointment of Steve Withers. His term will be effective today, May 5, 2025 and through December 31, 2025.

Monica Wallace will replace Brittany Lee who had resigned to the Clay County Community Corrections Board. Her term will be effective today, May 5th, 2025 through December 31, 2028.

A motion was made to approved the County Appointments as presented was made by Paul Sindere and seconded by Marty Heffner. Motion carried 3-0.

IN THE MATTER OF PUBLIC COMMENTS

Jennifer Flater reminded everyone that property taxes are due Monday May 12th, 2025. She also thanks everyone who participated in the National Day of Prayer on May 1st, 2025.

Steve Lamb, of 600 CR East, said his vehicle is getting torn up with the big rock that was put down on his road. Marty apologized but stated size 4 rock was the only size available at this time when the road badly needed rock.

Marty Heffner welcome granddaughter number 8. Paul Sindere mentioned the lost of Bryan Allender’s brother who passed away.

IN THE MATTER OF ADJOURNMENT

There being no further business, a motion to adjourn was made by Marty Heffner and seconded by Paul Sindere. Motion carried 3-0.

Clay County Commissioners

Attest:

Clay County Auditor