

## WABASH COUNTY COUNCIL MEETING

The Wabash County Council met in session on Monday, February 21, 2022 in the Commissioner's meeting room of the Wabash County Courthouse. Chairman Kyle Bowman called the meeting to order at 6:00 P.M. Council members present: Bowman, Matthew Mize, Lorissa Sweet, Matt Dillon, Barbara Pearson. Philip Dale and Sam Hann were present via Zoom. Sweet opened with a word of prayer and led the Pledge of Allegiance. The proceedings of the meeting were recorded by County Auditor Marcie Shepherd.

Chairman Bowman requested that those present silence their cell phones and stated that all public comments regarding agenda and non-agenda items are permitted and encouraged.

The first order of business was to approve the minutes of the January 3, 2022 Organizational meeting. Dillon made a motion to approve the minutes as presented. Sweet seconded the motion and it passed by a 7-0 roll call vote. Next was the review of the January 18, 2022 minutes. Dillion made a motion to approve the minutes as presented. Sweet seconded the motion and it passed by a 7-0 roll call vote.

Jim Treat of Krohn & Associates reported that the Lease Rental Revenue Bonds Series 2022 went well. All Bonds were sold and the closing will be on February 24, 2022. Bowman said he was pleased with how the sale went and appreciated the work done by Treat and Auditor Shepherd. Treat said he is always happy to answer questions.

Commissioner Eppley reviewed three drainage projects he would like to get approval to start. He would like to fund these projects with the ARPA funds.

1. Partnership with Town of North Manchester on the Grossnickle Drain for \$100,000.00.
2. Partnership with the town of Laketon for storm water for \$85,000.00.
3. County Road 700S-100W culvert under the county road for \$40,000.

Dillion made a motion to proceed with the projects. Hann seconded the motion and it passed by a 7-0 roll call vote.

Bowman reported that the ARPA committee met to go over the plan needed to appropriate the funds. Bowman said Baker Tilly attended the last meeting but it looks like most funds will be used for the loss of revenue. A final plan is still being discussed.

The next agenda item is the encumbrance of funds request.

### ENCUMBRANCE OF FUNDS from 2021 into 2022

FUND	Requested	Approved	AYE	NAY
EDIT-CASA Co Match #1112-30242-000-0000	\$29,500.00	\$29,500.00	7	0
Auditor Shepherd explained that with the changing of the Director, the CASA County Match was not requested in 2021. The County Match is required to keep the grant in good standing.				
Cole Wyatt, County Highway Superintendent, explained the encumbrances for the covered bridge fund, LOIT, Local Road & Street and the highway fund.				
Covered Bridge #1135-30569-000-0000	\$30,589.00	\$30,589.00	7	0
The design phase of this bridge project has not been completed.				
County Highway #1176-40431-000-0040	\$233,022.75	\$233,022.75	7	0
The equipment was ordered on 09/12/2021. It was not delivered until 01/04/2022.				
LOIT Special CC-2020-2 #1229-30569-000-0000	\$20959.53	\$20,959.53	7	0
2020-2 Community Crossing project invoices for engineering services for 2021.				
Local Road & Street #1169-30643.000.0000	\$298,461.20	\$298,461.20	7	0
CR 100 S Design Services project is not completed.				

Dillon made the motion to approve all the encumbrances. Pearson seconded the motion; it passed by a 7-0 roll call vote.

**RESOLUTION 2022-85-03**

Matt Dillion presented Resolution No. 2022-85-03 A Resolution opposing President Biden’s Attempt to mandate businesses to require weekly testing of people who have not received a covid vaccine.

President Biden has issued an order to the U.S. Department of Labor to issue an emergency temporary standard under the Occupational Safety and Health (“OSH”) Act that would mandate private sector employers to require their employees to get a COVID-19 vaccination shot, submit to weekly testing, or be fired.

We acknowledge that vaccines have helped protect many of the citizens of Wabash County. However, we oppose the mandatory testing or vaccination requirements for all of the businesses and citizens residing in and/or employed in Wabash County.

Generally, we believe that any vaccination mandate constitutes a threat to individual liberty, and that each citizen should be entitled to decide for him or herself whether to be vaccinated, without coercion or fear of loss of employment.

We also believe that any vaccination mandate would be unconstitutional since it would be the result of a process that assumes the executive branch has complete discretion to regulate any matter related to the general health and safety of our citizens, when our Constitution vests legislative power in Congress alone.

Finally, we believe the use of an emergency temporary standard to issue a mandate cannot be justified under current circumstances for the following reasons:

- (a) The OSH Act requires a showing that employees are in grave danger. Since it is likely that most employees have either been vaccinated (significantly reducing the potential effects of COVID if contracted) or recovered from COVID-19 (and therefore have a natural level of immunity), it is not passible to show that such employees are exposed to “grave danger” from non-vaccinated employees
- (b) The OSH Act also requires that the Mandate protect against a type of substance, agent, or hazard and is required for occupational safety. As used in the Act, those works relate to dangers presented in the job itself, i.e., work-related, such as chemicals used at job sites and tools used to carry out tasks. It does not refer COVID-19 is neither a substance, agent, or hazard as defined in the Act.

IT IS THEREFORE RESOLVED that all businesses and citizens in Wabash County, Indiana, are encouraged to see every available legal option to avoid complying with the aforementioned order. WABASH COUNTY COUNCIL

Dillon explained this resolution would show support to the people who have been affected and are still facing these challenges. Hann made a motion to approve RESOLUTION 2022-85-03. Sweet seconded the motion; it passed by a 6-1 roll call vote. Dale voted NAY.

Next on the agenda were the requests for additional appropriations.

**ADDITIONAL APPROPRIATIONS**  
**ORDINANCE #2022-85-01**

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; NOW, THEREFORE:

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2022 the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

<u>HEALTH #1168</u>				
	Amount	Amount	AYE	NAY
Other Services & Charges	Requested	Appropriated		
Medical Supplies	\$33,139.00	<u>33,139.00</u>	<u>7</u>	<u>0</u>
1168-25700-000-0000				

The local Health Maintenance has been approved by the state for Flu Vaccines and supplies for school clinics per letter from Kathryn Nicely, Grant Manager LHDOD.

LOCAL ROAD & STREET #1169

	Amount Requested	Amount Appropriated	AYE	NAY
Personal Services				
Foreman 11122	\$15,000.00	15,000.00	7	0
Operators 11419	\$45,000.00	45,000.00	7	0
Sign Tech 11312	\$15,000.00	15,000.00	7	0
Driver/Operator 11115	\$100,000.00	100,000.00	7	0
Driver/Laborer 11516	\$14,000.00	14,000.00	7	0
Part time 11211	\$20,000.00	20,000.00	7	0
Overtime 12000	\$39,000.00	39,000.00	7	0
Shop Supervisor 11319	\$20,000.00	20,000.00	7	0
Social Security/FICA 17100	\$18,500.00	18,500.00	7	0
PERF 17200	\$34,500.00	34,500.00	7	0
	\$321,000.00			
Supplies				
Diesel Fuel- Winter Ops 22100	\$65,000.00	65,000.00	7	0
Calcium Chloride 23300	\$125,000.00	125,000.00	7	0
Stone/Sand - Winter Ops 23400	\$12,000.00	12,000.00	7	0
Road Signs 23900	\$2,500.00	2,500.00	7	0
Bituminous Mixes - LRS 24200	\$47,500.00	47,500.00	7	0
Snow Plow Cutting Edges 24500	\$5,000.00	5,000.00	7	0
	\$257,000.00			
Other Services & Charges				
On Call Engineering Svs 30642	\$30,000.00	30,000.00	7	0
Tree Removal 30719	\$5,000.00	5,000.00	7	0
Equipment Rental 30732	\$1,250.00	1,250.00	7	0
	\$36,250.00			
Capital Outlays				
Plows 40500	\$14,500.00	14,500.00	7	0
	\$14,500.00			
Total	\$628,750.00			

Cole Wyatt, Highway Superintendent, requested the additional appropriations for the Local Road and Street fund due to DGLF removing the budgeted amounts approved by Council at budget time. These requests are the same as what was approved by Council for 2022.

Mize made a motion to approve all Additional Appropriations as requested. Sweet seconded the motion; it passed by a 7-0 roll call vote.

Wyatt requested permission to line up new trucks to lock in today's prices. He will budget them in the 2023 or 2024 budget when he knows the delivery time. Council said to proceed to lock in the prices.

Terry Burnworth, Pyramid Consulting, Owners Rep for Jail, project, gave an update on the jail project. Burnworth said that the project is moving along and that they will bid out phase 4 in April.

Bowman inquired if the Council would like to keep the hiring freeze in place. Majority said they were okay with the department heads filling positions that are currently budgeted. Mize commented that cuts may be necessary during budget time if revenues were down and everyone should keep that in mind.

Chief Probation Officer Brian Swihart introduced himself and gave an update. Swihart said he did not backfill his position but moved duties around in an effort to be budget aware. He also eliminated a supervisor spot saving an additional \$5,000. He said he would be available if anyone had questions.

Items for Review: Auditor & Treasurer Financial Reports – January 2022  
Solid Waste Management District Income Statements – November 2021  
Soil & Water Conservation – December, January & February

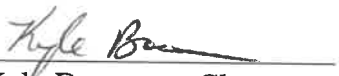
With no other business to come before the Council, Chairman Bowman adjourned the meeting. The next regularly scheduled monthly meeting of the Wabash County Council is Monday, March 21, 2022 at 6:00 P.M.

**The following individuals also attended the County Council meeting:**

*\*If any names are spelled incorrectly, we apologize.*

Chief Deputy Auditor Shelly Baucco, Sheriff Ryan Baker, Commissioners Barry Eppley, Jeff Dawes and Brian Haupert. Via ZOOM: Terry Burnsworth, Jim Treat and Rob Burgess.

**WABASH COUNTY COUNCIL**

  
\_\_\_\_\_  
Kyle Bowman, Chairman

  
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Matthew Mize, Vice-Chairman

  
\_\_\_\_\_  
Sam Hann

  
\_\_\_\_\_  
Matt Dillon

  
\_\_\_\_\_  
Lorissa Sweet

  
\_\_\_\_\_  
Philip Dale

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Barbara Pearson

Attest:   
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Marcie Shepherd, Wabash County Auditor