

**THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, AUGUST 18, 2025 AT 6:30 P.M.**

MEMBERS PRESENT WERE KENNY HALE, BRYAN COLLIER AND DON ADAMS. LINDA PRUITT, MORGAN COUNTY AUDITOR; DEB VERLEY, EXECUTIVE ASSISTANT; JOSH MESSMER, COUNTY ADMINISTRATOR; AND ANNE COWGUR, COUNTY ATTORNEY, WERE ALSO PRESENT.

PLEDGE

PRAYER – *Kenny Hale*

**MINUTES** – 8/4/25

Don Adams made a motion to approve the August 4, 2025 minutes. Motion seconded by Kenny Hale. Motion carried 3-0.

**CLERK’S REPORT**

Kenny Hale noted that they had received the July Clerk’s Report.

**RECESS**

Don Adams made a motion to recess the meeting and open the Public Hearing. Motion seconded by Kenny Hale. Motion carried 3-0.

**PUBLIC HEARING** – *Petition to Vacate Alley*

Cynthia Winstead and Brenda (Pinkstaff) Lawson were present to request that an alley in Eminence be vacated. Ms. Winstead stated that her mother, Brenda (Pinkstaff) Lawson has owned property bordering the alley since 1979 and the person whom she bought the home from told her that they maintained the alley. The property has a side driveway that is accessed through the alley, so this made sense. Ms. Lawson has been mowing the alley and adding gravel as needed for all these years. In 1990, Ms. Lawson began renting out the home and the renters have been required to maintain the alley. The neighbor to the south (Mr. Gary) moved in, he drove posts in the center of the alley, making the side driveway unusable. In the fall of 2024, the renters contacted Ms. Lawson to inform her that Mr. Gary stated that he was going to cut down the walnut tree on the property. At about the same time, an un-plated trailer was parked in the alley, blocking off access. Several months later, there was also a truck parked in the alley. Spring of 2025, Mr. Gary had the tree cut down. Ms. Winstead met with the Sheriff’s Department at the property and a report was made. Mr. Gary stated that he was given permission from the county to cut the tree down. Ms. Lawson had her property surveyed in early 2025 and the surveyor said the property line is just outside of the pillars that mark the driveway; however, there is a pin from the 1950s that is two feet south of his markers and he would note that on the survey. Ms. Winstead asked that the alley be vacated and awarded to her mother, Mrs. Lawson; this will give them access to the second driveway and they have been maintaining it for many years.

David Lopossa stated that he would like to see the alley go to Ms. Lawson, mainly because of the tree being cut down, or divide it and give Mr. Danny the west half and Ms. Lawson the east half so she can use the driveway.

Gary Danny presented pictures of the tree and a survey he had done in 2019. Mr. Danny stated that both surveys show the 12 ft. alley within an inch or two. There are utilities in the alley. He requested permission from the County Highway Department to put gravel down so he could get to his back lot. The tree posed a threat to his vehicles and shed because it was rotting. Mr. Danny stated that Justin Schneck from the Highway Department gave permission to cut down the tree. Mr. Danny asked that the alley not be vacated.

Kenny Hale asked Eddie Fisher, Morgan County Highway Superintendent and Justin Schneck, Morgan County Highway Engineer, stated that they did not give permission to cut down the tree. Mr. Fisher stated that he told Mr. Danny not to waste his money putting stone on the alley.

Anne Cowgur asked if the Commissioners’ Executive Assistant had received proof of public notice. Ms. Verley stated that she had not received anything. Mr. Lopossa stated that he received an email from the newspaper.

**RECONVENE**

Don Adams made a motion to close the public hearing and reconvene the Board of Commissioners meeting. Motion seconded by Kenny Hale. Motion carried 3-0.

### **PETITION TO VACATE ALLEY**

Don Adams asked if both surveys are the same. Ms. Winstead stated that the exception is that one of the surveys does not call out the pins that were placed in the 1950s. Mr. Adams stated that the alley has utilities and he does not see a need to vacate it. Ms. Winstead stated that they actually agree with that, but the drive-able part of the alley is no longer 12 feet with the posts in the alley. Bryan Collier stated that he is leaning towards not vacating the alley and Mr. Adams does not appear to be agreeable to vacating the alley, and asked how they could allow Ms. Lawson to use it as a drive. Ms. Winstead stated that they do not use it as a drive anymore because they would have to go into part of the yard. Eddie Fisher stated that the Highway Department could grade the alley and put stone in the alley to help drainage and make sure the alley is in the correct position according to the surveys. Don Adams made a motion to deny the petition to vacate the alley. Motion seconded by Bryan Collier. Motion carried 3-0.

Don Adams made a motion to improve the alley. Bryan Collier asked that the Highway Department meet on site with the property owners and if there were any concerns, the property owners could come back before the Board of Commissioners. Motion died for lack of a second.

### **MEMORANDUM OF UNDERSTANDING** – *Marketing Manager Health Department*

Tricia Runningen, Morgan County Health Director, stated that they are asking for approval of a 12-month MOU with their Marketing Manager. The first MOU started in August of 2024. This position does social media content, fliers, annual reports, website updates and new programs. The Health Department was able to reach 417 people through social media in August of 2024; as of June 2025, they had 2.8k with over 10,000 views. This agreement is for 10 hours per week, not to exceed 40 hours per month at \$50 per hour. They have funds for this and will revisit in August of 2026 to make sure funds are still available. Bryan Collier made a motion to approve the MOU. Motion seconded by Don Adams. Motion carried 3-0

### **MICROVOTE** - *Clerk*

Tammy Parker, Morgan County Clerk, stated that the original Microvote quote was \$17,000 higher and she asked about reducing the cost. They are removing six machines and the tariffs were not as expected. The quote is now \$287,331.46 and she has half of this in the budget for this year and the rest will come from next year's budget. Ms. Parker stated that this was approved earlier and requested that the Commissioners sign the quote for the lower amount.

### **AGREEMENT FOR SERVICES** – *Stout Road paving*

Justin Schneck stated that this is a Change Order for an existing agreement with Howard Companies. This Change Order would add Stout Lane, Inverness Farms Road and Lake Bodona to be paved and will add \$140,697 to the contract, which is 12.4%. Anne Cowgur asked if the roads were close enough to the original project to be considered part of the same project. Mr. Schneck showed the areas that are being paved and the proximity of the added roads. Ms. Cowgur stated that there is a percentage of increase that can be allowed and if the Board is comfortable with the roads being in the same area, she is comfortable with it. Don Adams made a motion to approve the Change Order. Motion seconded by Bryan Collier. Motion carried 3-0.

### **TEMPORARY LIMITED LICENSE TO USE PREMISES**

Josh Messmer stated that the contractor for the Courthouse renovation project is using the old probation building during construction rather than adding a construction trailer and further congesting the downtown area. This agreement has been reviewed by legal counsel. Bryan Collier made a motion to approve the agreement. Motion seconded by Don Adams. Motion carried 3-0.

### **OPIOID BANKRUPTCY AGREEMENT**

Anne Cowgur stated that this agreement is the next step in the Opioid Settlement participation. Don Adams made a motion to approve the agreement and keep the ball rolling. Motion seconded by Bryan Collier. Motion carried 3-0.

### **GRANT APPLICATION** - *Sheriff*

Rich Meyers, Morgan County Sheriff, requested approval of an annual Click It or Ticket Grant as well as Driving Under the Influence Task Force and Project SAVE, a \$99,000 grant through the Indiana Criminal Justice Institute. Don Adams made a motion to approve the application. Motion seconded by Bryan Collier. Motion carried 3-0.

### **ORDINANCE 2025-8** – *Establish Park Board 1<sup>st</sup> Reading*

Don Adams stated that the ordinance allows for two appointments from the Board of Commissioners and two appointments from the Council, as well as one appointment from an elected official. Don Adams made a motion to pass the ordinance on first reading, with the correction of a typo on the last page. Bryan Collier suggested that the elected official be the Assessor. Don Adams amended his motion to add the Assessor as the elected official. Motion

seconded by Bryan Collier. Motion carried 3-0.

**2026 MEETING SCHEDULE**

Don Adams made a motion to approve the 2026 Meeting Schedule. Motion seconded by Kenny Hale. Motion carried 3-0.

**TORT CLAIM**

Anne Cowgur stated that this tort claim is \$28 over the insurance deductible. Bryan Collier made a motion to send the McNichols tort claim to legal counsel to negotiate a fair settlement. Motion seconded by Kenny Hale. Motion carried 3-0.

**COMMENTS**

Roger Huff stated that he was present to help his neighbors in Sundown Acres concerning violations at a property on State Road 39. The property is not meeting state code for a mining operation. The Drainage Board issued a permit to build a pond, which has been going on for three years and water was being pumped over the levee and into Highland Creek. A violation was issued for this. The water was then pumped into a bladder bag and into a drainage ditch that goes to another property. The property owner is also selling dirt and there is increased truck traffic. Operations start at 5 – 5:30 am and Mr. Huff can hear the equipment from his house. Mr. Huff asked that the Board of Commissioners file a stop work order for 30 days. Mr. Huff stated that this is not a pond, it is a mining operation.

Andrea Guisbert-Williams and Liz Carr stated that they live in the area that Mr. Huff described and are concerned with the dust, traffic, and trash this issue is causing. They have filed an informal complaint with the Drainage Board.

**ADJOURNMENT**

Bryan Collier made a motion to adjourn the meeting. Motion seconded by Kenny Hale. Motion carried 3-0.

Morgan County Board of Commissioners

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

Attest:

\_\_\_\_\_  
Bryan A. Collier

\_\_\_\_\_  
Linda Pruitt, Morgan Co. Auditor

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