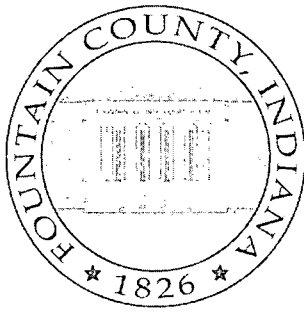




**FOUNTAIN COUNTY COMMISSIONERS
REGULAR MEETING MINUTES**

Date: 09/21/26
Time: 6:00 PM

1. Call to Order:
Call to order the September 21st meeting of the Fountain County Commissioners.
Commissioners President: Aaron Fruits
Time: 06:00 PM

2. Moment of Silence/Pledge of Allegiance:

3. Roll Call:
Members Present:

- ☒ Aaron Fruits
- ☒ KW Rice
- ☒ Tim Shumaker

Also, Present:
☒ Kim Johnson, County Auditor – online due to attending conference
☐ Lisa Spiering, Deputy Auditor
☐ Ethan Myers, County Attorney

4. Approval of Agenda: 09/21/2026

Action Requested: Approve agenda as presented/amended

- Motion by: KW Rice
- Second by: Tim Shumaker
- Vote: ☒ Passed 3-0 ☐ Failed _____

5. Approval of Minutes:

Meeting Date: 09/08/26

- Motion by: KW Rice
- Second by: Aaron Fruits
- Vote: ☒ Passed 2-0 ☐ Failed _____

6. Elected Official & Department Reports:

- ☐ Auditor, Kim Johnson
- ☐ Treasurer, Tiffany Wells
- ☐ Assessor, Amber Roarks
- ☐ Clerk, Patty Smith
- ☐ Recorder, Nikki Allen
- ☐ Coroner, Kayla Holt
- ☐ EMA Director, Tina Holmes
- ☐ EMS Director, Wayne Laswell
- ☐ Health Department, Jenny Eads
- ☐ Highway Superintendent, Jason Lewis
- ☐ Landfill, Greg
- ☐ Jail, Andrew Krout, Deputy Sheriff
- ☐ 911 Director, Dana Stonebraker
- ☐ Sheriff, Terry Holt
- ☐ Wega, Kim Kalweit
- ☐ Prosecutor, Daniel Askren
- ☐ Veteran Services, James Wynne

Landfill – Greg Robinson

Greg retired from the Health department 10 years ago as an environmentalist. He was asked by the Commissioners to take on the task of correcting the landfill. He agreed and told them what he wanted to do and how he wanted to do it. He said the commissioners at the time agreed with the State on what they would do to maintain for 30 years. Tim Shumaker said the county was in bad standings with them due to the commissioners 20 years prior not putting the 20 million dollars back they were supposed to. Greg said 5 years prior to his retirement, he would meet the state at the landfill and go over procedures. They would let Greg know what was wrong and what needed to be fixed. He would bring that to the Commissioners. They asked Greg who would take over after him and Greg informed them no one had stepped up. Greg had them attend next Commissioner’s meeting and explain. The Commissioner’s asked Greg to help. Greg agreed. He worked with Roger Azar, Darryl Bell, and the state. They came up with a budget. They started on repairs and found the lack of funds in the account. The Council stepped up and corrected over a few years. State came out and was satisfied with what work had been done. Greg said he uses Darryl instead of the highway. The highway needs to work on their state stuff. Greg always informs council and commissioners on what needs to be done. Greg said now there is a problem and he needs to know why. KW Rice said there is never a problem with anything Greg has done. He said there was a culvert in the road that needs replaced. They got an estimate from Darryl Bell, but the county highway workers are capable of putting culverts in. Greg agreed, but the highway workers had been pulled off at the beginning of the repairs to do other things and it became a problem. Greg has the funds in his budget to make the repairs so there is no reason to pull the highway guys off of their jobs to help him with repairs. KW said he understands, but they would like to save money where they can save money. Greg said no money will be saved. He will be paying for the culvert out of his budget. KW agreed it will come out of the landfill budget. Greg said it will probably take 2-3 guys at least 2 days. KW said the highway guys are capable and can save a ton of money. He would like an estimate from Mr. Bell. Greg stated he thinks the commissioners are spinning their wheels. Tim Shumaker stated Greg has done a phenomenal job in the last 10 years taking care of the landfill. Tim said let Greg make the call. Aaron said he didn’t have any intentions of Jason going out there. Greg said he didn’t see the county saving much money at all, if any. Aaron said to get an estimate from Jason and go from there. Darryl did give a bid.

7. Unfinished Business:

Claims (\$382,626.08)

- Motion by: Tim Shumaker
- Second by: KW Rice
- Vote: ☒ Passed 3-0 ☐ Failed _____

Payroll (\$354,168.64)

- Motion by: KW Rice
- Second by: Tim Shumaker
- Vote: ☒ Passed 3-0 ☐ Failed _____

8. New Business:

CINTAS agreement – Rug replacement – TABLED

- Motion by: _____
- Second by: _____
- Vote: ☐ Passed _____ ☐ Failed _____

Public Hearing – AI BESS Moratorium (Extend until December 31, 2027)

Beginning Time: 6:14

- Public Comment –
Bill Brewer asked if this was under Bill 425? The Commissioners informed him this does not. KW told him bill 425 only had to do with solar and wind. Bill asked what kind of battery storage. KW told him it was any battery energy storage system.
- Motion by: KW Rice
- Second by: Aaron Fruits
- Vote: Passed 2-1 Failed _____
- End Time: 6:17

Mailings

Beginning Time: 6:17

- Public Comment
Carol Owens asked what kind of mailings. KW Rice informed her that this is for section five mailings and notice cost for rezoning special use hearings, public meetings and other mandated proceedings.

Basically, anyone who wants a rezone petition or special use permit, they are responsible for the cost accrued to the county for the mailers, the meeting times, etc. This states the petitioner covers the cost of the mailings.

Larry Schrock asked if it was for the small variances. If there is a mailing involved would they need to pay? Jon Schrock said the purpose of section 505 is to recoup costs for mailings and those type of things depending upon the variance depending on the specific circumstance. Jon did not recall if there was mailing or not on Grubb Lane. He believed there was but it was a smaller threshold.

Carol Owens asked how money is collected for mailings. KW informed her that you have to petition to do a rezone. When this is filed you have a radius you have to notify neighbors. Carol asked if this was collected up front or after this was done. KW said it was as needed. Carol asked what happened if they refused to pay. Jon Schrock said the wording in the ordinance was designed so that they collect before the hearing.

- Motion by: KW Rice
- Second by: Tim Shumaker
- Vote: Passed 3-0 Failed _____
- End Time: 6:23
- Roeing IT Solutions Presentation – Dan Newgent gave a presentation on IT. He gave information on cybersecurity. He stated they work with a lot of counties.
- Tim Shumaker said he would like to address the contract with the zoning administrator. He has done his homework and contacted other counties. Their zoning administrators also do several different jobs. Montgomery is the building inspector also. He is in charge of all maintenance and upkeep. He is also construction manager of small projects. He's paid \$78,000-\$79,000 per year. If you divide this out, he is making about \$38.50 per hour. He also receives benefits. Warren County is basically the same story. Tim said their surveyor goes out and inspects. Both have years of experience. He is getting paid between \$60,000 and \$70,000. That would be \$34.00 per hour. Tim said they had concerns that Roger Azar was charging \$200 per meeting. He was. So far year to date we have paid out \$62,837.96. The August bill had not been turned in but is another \$15,825. Tim said in 8 months we have paid \$78,662.96 for our zoning administrator position. Aaron said since the contract isn't on the agenda, they cannot talk about it. Aaron said to put it on the next one and he would be happy to talk about it. Aaron said Roger's last year he worked for Fountain County, he made \$162,000. Cameron Seymour has billed us \$2,000. Aaron said we are a little over \$80,000, which is ½ of what Roger was billing. Tim said at the next meeting, he will ask for a second to terminate the contract. Tim said this is about paying a person that has no qualifications. Tim stated that Jon is a good guy and has done a lot of different things. Aaron said Jon does a very good job. He said plenty of people will back Jon up in this community. Aaron also said he is at ½ the pay of the previous administrator. Tim said Roger helped with the highway. Aaron said we have a county engineer and he's billed the county \$2,182.35. Tim said if we want to pay \$150 per hour, we should be paying Mr. Seymour. Tim said we are all concerned about saving pennies here and there.

- Solomon Van Mer, Director of development for IN North America, the company that owns and is developing the Dolphin Solar project
Solomon said as they had discussed 2 weeks ago on August 20th, the Warren County Circuit Court issued a decision reinstating the Dolphin Solar Permit. They also affirmed that the project, the county's zoning administrator, Roger Azar, followed proper protocols when the permit was first issued and reversing the subsequent unlawful attempt to nullify the permit by the county. He stated that court order also gives a detailed preview of the one issue still pending before the court, Fountain County's potential liability for denial of Dolphin's constitutional right to due process of law and the damages suffered by Dolphin as a result of the action of the county's employees and representatives. He said he was unaware if the commissioners had read Judge Reece's decision or what they were told, but Fountain County is clearly losing in court. Two weeks ago, they participated in court ordered mediation with the county in Indianapolis. This was in attempt to settle the litigation prior to moving into the stage in which the judgement of monetary damages could be imposed on Fountain County. He said that his colleagues and himself approached the mediation as an opportunity to move forward with the county in a way that they thought would be mutually beneficial. They did not approach mediation to extract any compensation from the county for the past year of delay, expense and conflict. He stated given the present posture of the litigation, the proposals that were made by Dolphin during mediation were objectively generous. He said the response of the county's representatives signaled either a lack of interest in settlement or a failure to understand the risks. The mediation was disappointing. He said it did not seem to him that the interest of Fountain County and its taxpayers was represented. In the interest of full transparency, they are publicly presenting an alternative to continuing down the path of litigation. He stated they propose the following. Number one, Dolphin will forego its claim to pursue damages against the county for violation of Dolphin's constitutional right to due process law. Number two, Dolphin will not seek a property tax abatement from the county. According to Baker Tilly, that will result in property tax revenues to the county of over \$45 million dollars just in the first ten years and in phase 1 of the project. Number 3, Dolphin will provide the county and additional one-time financial support of \$5 million dollars. This can be used for a variety of things. He said the only thing they are asking is that the staff and representatives of Fountain County follow the rules and procedures of their positions and not hinder in the advancement of the Dolphin project. He said they want to work with not against the county. He asked that the rules be applied to the project fairly. He said the Dolphin project is the largest economic development project for Fountain County. He said Dolphin and their legal team are quite prepared to continue with litigation. He said the outcome of the due process claim and the amount of the final judgement against the county remains to be determined. Judge Reece's August 20th decision unmistakably foreshadows that Dolphin will prevail according to Mr. Van Mer. He said the number of damages imposed on Fountain County could be over \$75 million. He said this would greatly hurt the county. He said they do not want to bankrupt Fountain County. He said the leaders need to pick between collaboration and conflict. He thanked them for their time.

County Attorney, Ethan Myers, stated for the Commissioners to not discuss anything due to pending litigation or related to a confidential mediation.

9. Correspondence & Announcements:

10. Council Member Comments:

11. Public Comment:

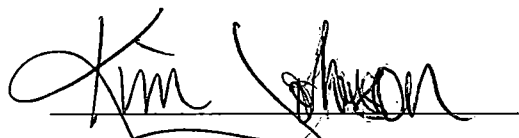
- Dane Maltsburger discussed a proposal he submitted in June. This was a Ordinance on non-disclosure agreements. Dane gave them each a handout. He thinks this is an issue that needs discussed. He believes transparency matters because of non-disclosure agreements. He would like this ordinance reviewed.

12. Adjournment:

- Motion by: Tim Shumaker
 - Second by: KW Rice
 - Vote: Passed 3-0
 - Time: 6:44 PM
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- **NEXT COMMISSIONER MEETING: Monday October 05 2026 @ 9:00 AM**
 - **NEXT COUNCIL MEETING: Monday September 28, 2026 @ 6:00 PM**

in the Commissioner’s Meeting Room

SUBJECT TO CHANGE


ATTEST

