

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
October 9, 2024
11:00 AM

The Warrick County Commissioners met in regular session with Terry Phillippe, President; Robert Johnson, Vice President; and Dan Saylor, Member.

Attorney Andrew Skinner and Administrator Heather Soberg were in attendance.

Chief Deputy Barbi Shelton and Recording Secretary Kristine Georges attended and recorded the minutes.

Commissioner Meetings can be viewed via YouTube: Warrick County Meetings

President Terry Phillippe called the meeting to order at 11:00 AM.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION
REQUEST FOR EXTENSION OF SURETY
LEXINGTON ESTATES SUBDIVISION

Area Plan Director Molly Barnhill presented Requests for Extension of Surety. First was Lexington Estates Subdivision, First Federal Bank by Mike Head. The County is holding two letters of credit: \$6,325.00 for drainage construction and \$6,603.99 for street construction. They are requesting a one-year extension at the same dollar amount on both letters. They have had seven years. The letters of credit expire November 17, 2024. Mr. Howard said they are finishing a few things up and will be ready for acceptance soon. Commissioner Bob Johnson made the motion to approve the extension. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

VILLAGE OF LEXINGTON II PUD

Next was the Village of Lexington II PUD, First Federal Savings Bank by Mike Head. The County is holding a letter of credit for street construction at \$690.00. They're asking for one year at the same dollar amount and have had seven years. The letter of credit expires November 17, 2024. Mr. Howard stated that the dollar amount was sufficient and was similar to the first one that was approved. Commissioner Dan Saylor made a motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

REQUEST FOR REDUCTION OF SURETY
WOODFIELD SUBDIVISION SECTIONS III & IV

Ms. Barnhill presented a Request for Reduction of Surety for Woodfield Subdivision Sections III & IV: Woodfield Development LLC by Steve Blankenberger, Owner. The County is holding \$11,665.50 for sidewalk construction. They're requesting one additional year at \$7,293.00. They have had sixteen years. This expires November 4, 2024. Mr. Howard said that the dollar amount was sufficient. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

REQUEST FOR RELEASE OF SURETY
C-22-055

Next, Ms. Barnhill presented a Request for Release of Surety for C-22-055 at 9830 Pointe View Drive, Chandler Real Estate, Inc. by Bruce Bennett. The County is holding \$17,915.70 in escrow guaranteeing entrance construction. The surety expires June 3, 2025. Mr. Howard said the drive was completed and he recommended release. Commissioner Dan Saylor made the motion to release. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

REQUEST TO REZONE:
PC-R-24-08 NEWBURGH RETIREMENT
ORDINANCE 2024-15

Ms. Barnhill also presented two Requests to Rezone. The first was PC-R-24-08, Petitioner/Owner, Newburgh Retirement, LLC by William J. Schaeffbauer, II, Vice President. It's to rezone approximately 4.00 acres located on the north side of Lincoln Avenue approximately 0 feet north of the intersection formed by Lincoln Avenue and Estate Drive from A, Agricultural to PUD/R-3, Planned Unit Development consisting of a Resort Zoning District, Ohio Township 28-6-9 being Parcel 1 in the Orville Grimm #2 Parcelization. They have also filed a Use and Development Commitment limiting the use to nursing and rest homes. It was advertised in The Standard on August 29, 2024. The Area Plan Commission gave a unanimous favorable recommendation for PC-R-24-08 at the meeting held on September 9, 2024.

Jim Morley, Jr. was present to speak about the project. He said they are expanding the Primrose Senior Living facility and briefly reviewed the project with Ms. Barnhill and the Commissioners. President Phillippe asked for remonstrators. There were none. Commissioner Bob Johnson made a motion to approve Ordinance 2024-15. Commissioner Dan Saylor seconded the motion. The motion carried 3-0

(Ordinance 2024-15 is located on Pages 11 through 12 of these Official Minutes)

**PC-R-24-09 MGK DEVELOPMENT
ORDINANCE 2024-16**

The second was PC-R-24-09, Petitioner, MGK Development, LLC by Shishu Bedi, Manager. The owner is Schnur Family Trust by Margaret Schnur, Trustee; Schnur Brothers Farms IV, LLC by Charles E. Schnur, Member; Anne Downey, Maria Eisterhold, Jane Baker, Lois Mitchell, Beverly Newcomb, Mike Schnur, Susan Davis, Tony Schnur, David Schnur, & Donna Lasher, Owners. It's to rezone approximately 2.94 acres located on the west side of Epworth Road approximately 1,000 feet north of the intersection formed by Epworth Road and Vann Road from A, Agricultural to C-4, General Commercial Zoning District. Ohio Township 20-6-9. It was advertised in The Standard on August 29, 2024. The Area Plan Commission gave a unanimous favorable recommendation for PC-R-24-08 at their meeting held on September 9, 2024.

Scott Buedel with Cash Waggnner was present to discuss the request. He said that the other surrounding acreage is already C-4, so this would bring it in line with the area zoning for development. There were no remonstrators. Commissioner Dan Saylor made a motion to approve Ordinance 2024-16. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Ordinance 2024-16 is located on Page 13 of these Official Minutes)

(APC Paperwork is located on File in the Auditor's Office)

**COUNTY AUDITOR
TRANSFER OF DONATION FUNDS**

Chief Deputy Auditor Barbi Shelton presented and stated that this was for a donation made to Animal Control to build a fence when it was still under the Health Department and was placed in a Health Department fund. Since it is no longer under the Health Department, SBOA suggested that the donation be set up as its own fund. Nothing needs to be approved as this was just for informational purposes.

**ACTION AGENDA
APPROVAL OF MINUTES
SEPTEMBER 23, 2024**

Minutes from the September 23, 2024 Regular Session meeting were presented to the Commissioners for approval. Commissioner Dan Saylor made the motion to approve the minutes. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**BOARD APPOINTMENTS
HEALTH BOARD**

This was tabled from the last meeting. Attorney Skinner said that he recommended tabling it again. Commissioner Bob Johnson made the motion to table. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

ENVIRONMENTAL MANAGEMENT CONSULTANTS SPECIFIC SERVICES AGREEMENT

There is still an issue at the closed landfill. One of the sites is still detecting a higher level of methane. This is for continued mitigation of that situation. Attorney Skinner said that it had been reviewed. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Environmental Management Agreement is located on File in the Auditor's Office)

**COUNTY ADMINISTRATOR
CONSENT AGENDA**

County Administrator Heather Soberg presented the following items on the Consent Agenda for approval:

1. County Auditor Certified Claims Voucher, 10/04/2024, in the amount of \$2,652,497.13.
2. Payroll Voucher, 10/04/2024, in the amount of \$658,312.90.
3. Surplus Declaration of Weapon for Retiring Sergeant
4. Hutson Purchase Agreement – Highway Dept Tractor

Commissioner Saylor clarified that the tractor was the one he and Mr. Howard had talked about previously. Mr. Howard said that it was. Commissioner Dan Saylor made the motion to approve the items on the Consent Agenda. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Claims are located on Pages 8 through 10 of these Official Minutes)

(Payroll is located on Page 11 of these Official Minutes)

(Hutson Agreement is located on File in the Auditor's Office)

**ACQUISITIONS ADMINISTRATOR
SURPLUS DECLARATION – ANIMAL CONTROL HORSE TRAILER**

Acquisitions Administrator Sherrie Sievers presented a Surplus Declaration for a Horse Trailer at Animal Control. Monica Freeman with Animal Control submitted the request. Information was given to Commissioners on the trailer. This was a donated trailer. There is no visible vin number, but they do have the title. Ms. Sievers reviewed IC codes and reviewed plans to list on the Govdeal's auction site. There was a brief discussion to have a plate made for the VIN and installed for the sale. Ms. Sievers felt it was important to have a VIN number when listing on the auction sites. Commissioners Dan Saylor made the motion to declare surplus. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**PURDUE EXTENSION STORAGE
CONCRETE FLOORING PROJECT**

Ms. Sievers said that the room has been cleared out. The aluminum doors are being finished up. They will contact her when they are ready to install. She has also talked with Steve Sherwood on having his crew remove the existing carpet tiles. She said once it is all taken up, they will apply a barrier and get estimates from concrete providers to install a new floor similar to the one done in another storage room. The previous concrete project was \$12,430.16. She anticipates the new project to fall between \$13,000.00 and \$16,000.00. Ms. Sievers asked what procedures the Commissioners would like her to follow and potential funding sources to move forward.

Commissioner Phillippe asked how they paid for the previous project. Administrator Soberg thought that it may have come out of the bond contingency fund for the Courthouse, but she wasn't sure and would need to check. They then discussed the options. This is continued improvement due to the radon issue.

Commissioner Dan Saylor made a motion to approve using contingency funds and let Council know of the project. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

LYNNVILLE EMS STATION

The Warrick EMS Medic Station 4 in Lynnville is in need of repairs and updates. It was once one of the top EMS stations in the State of Indiana. Ms. Sievers provided several pictures of the building. She wanted to bring this to the Commissioner's attention before all ARPA funding was spent. Working with Commissioner Saylor and EMS Director Tony O'Neal, they outlined the work needed. They have met with several contractors and received quotes for the work needed. Ms. Sievers is confident that they can carry out all necessary tasks within a budget of \$150,000.00 or less. She also reviewed all IC Codes.

Commissioner Saylor asked about the garage doors working during a power outage. There was a brief discussion on a generator being needed for such purposes, but it is listed as a future need. If there are funds left, that will be something they look at. She has given all the information to Grant Director Debbie Bennett-Stearsman for ARPA funds to be requested for the project. She also thanked Commissioner Saylor for all his help with the project as well as Tony O'Neal and Brad Downing.

**GRANT DEVELOPMENT DIRECTOR
CONTRACT GRANT APPLICATION
EMA TO EMPG SALARY**

Grant Development Director Debbie Bennett-Stearsman presented a grant application from EMA to submit its annual application to the Indiana Department of Homeland Security for \$44,827.63 for salary reimbursement including base salary and fringe benefits. It will be matched with \$97,083.37 in local funds for a total of \$141,911.00. This was the same amount received in 2024 and it needs approval for submission. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**GRANT CONTRACT APPROVAL
ICJI CHIRP GRANT – SHERIFF'S OFFICE**

Ms. Bennett-Stearsman presented contract approvals starting with the ICJI Chirp Grant for 2025. This is for the Sheriff's Office. It's for \$32,775.00 and will allow the Sheriff's Office to conduct enforcement for impaired drivers, speed enforcement, distracted drivers, young drivers, unrestrained occupants, and various other things. The contract should be arriving from State at any time and needs to be executed by the President of the Commissioners, so that approval needs to be given. The Commissioners had the application they could review which is also considered part of the contract. Commissioner Saylor asked if the County had to put up any funds. Ms. Bennett-Stearsman said that they didn't. It's just to pay overtime for the duties that they're going to do. Commissioner Dan Saylor made a motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(ICJI CHIRP Grant is located on File in the Auditor's Office)

STATE HOMELAND SECURITY ENDURING NEEDS

Next, was the approval of a grant from the State Homeland Security Enduring Needs Program for EMA. The amount is \$135,500.00 to place five new sirens in Warrick County. She said that \$88,750.00 will go for five outdoor sirens from Century Siren. The budget information was included in the Commissioner's packets. The second item is five controllers for \$5,250.00. The last is for installation and service at \$37,500.00. The grant was just approved by the

State. EMA will prioritize the installation in the most needed, new areas. It will require a review process for placement. EMA Director Matt Goebel was also present to review the grant.

President Phillippe asked about maybe tabling this item as there was a lot to discuss and the current meeting was on a timetable. Commissioner Johnson pointed out that it was just an approval for the application. Mr. Goebel agreed and said that because this was an enduring needs grant and he felt the need for the County was the sirens and the improvements to the warning systems. So, they submitted quotes and strictly followed the guidelines for Homeland Security. Mr. Goebel said it is the start of something with the bigger picture beginning with these funds and plans to go to the County Council with the bigger plan of moving it forward through the approval of funds from the Council.

Ms. Bennett-Stearsman said that they did need Attorney Skinner to review as it will involve land, easements, and environmentals and they have a very short timetable.

Commissioner Saylor wanted to clarify that it was for new locations and the type of pole used. Mr. Goebel said it was for new locations and they would be using wood poles for the sirens. Commissioner Saylor had concerns about using wood poles.

It was questioned on tabling and whether that would hurt the timetable. Mr. Goebel said that it wouldn't, but if he could get approval to proceed with the study, that would help keep things moving while everything was in discussions. Attorney Skinner reviewed the timeline and stated that with the current timelines, EMA would certainly be wanting to work in the interim to get things done to make sure they are ready for the submission deadlines. Commissioner Dan Saylor made the motion to table. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**ARPA
WARNING SIRENS**

EMA Director Goebel asked that this be removed as the funds can in no way begin to cover the cost of the project.

UPDATED ARPA FUND NUMBERS

Ms. Bennett-Stearsman went over the current updated ARPA Fund numbers. Current totals are \$621,977.17 which includes interest. She reviewed all information that was before the Commissioners. She also de-obligated several items and went over them. They could see what was completed, what was under contract, and what was in jeopardy. Interest is \$101,685.40 which has to be approved by Council for use. All the outstanding items are \$775,000.00. When added together with the current monies, the total is \$1,396,997.70. She then reviewed the obligation deadlines, what can be carried over, and how they can obligate some monies through memorandums of understanding. There is also \$100,000.00 in LATCF that needs to be obligated.

**ARPA
AVAILABLE FUNDS AND DE-OBLIGATION DISCUSSION
REQUESTS FOR SCALES LAKE PARK TRAIL,
FUTURE HIGHWAY DEPARTMENT BUILDING PRELIMINARY COSTS,
WEIGHTS & MEASURES TRAILER CALIBRATION UNIT, POSTAGE MACHINE,
BAKER TILLY COMPREHENSIVE FINANCIAL PLAN,
APPRAISALS FOR HEALTH DEPARTMENT,
EMA DISASTER RESPONSE TRAILER, EMS STATION IN LYNNVILLE
HIGHWAY DEPARTMENT EQUIPMENT**

First ARPA item was the tabled Scales Lake Park Trail. Ben Labhart was also present if there were any questions. She went over the request for \$100,000.00 of ARPA funds to be added. After a brief discussion on the Unsafe Building fund and the processes of that and the Nuisance Ordinance. There was also a brief discussion on the rush to get the funds obligated before the end of the year. There are only two Council meetings left for any funds that would involve appropriation from the Council such as the LATCF.

Ms. Bennett-Stearsman then went back to the Scales Lake Park Trail request. The project will cost \$300,000.00. The Parks Department is asking for \$100,000.00 from ARPA, \$100,000.00 from the Council Council in additional appropriation, and \$100,000.00 in bond proceeds. It is apart of a bigger project that the Parks plan on applying for in the form of a Grant. If the Grant is received, it will take two years before it would even go to construction. It was then discussed using the LATCF funds.

Commissioner Phillippe wanted to narrow the list or requests down to wants and needs. Ms. Bennett-Stearsman said that there were additional items added to the new requests list that would also be discussed today. Commissioner Phillippe asked to put all the projects and the numbers associated with the projects together for discussion.

Ms. Bennett-Stearsman presented the numbers for the following requests:

- | | |
|---|--------------|
| 1. Scales Lake Park Trail (tabled from last meeting) | \$100,000.00 |
| 2. Future Highway Department Building Preliminary Costs | \$136,190.00 |
| 3. Weights & Measures Trailer Calibration Unit plus Hitch | |
| a. Slip on Calibration Unit or | \$32,500.00 |
| b. Side Access Trailer Unit | \$44,304.00 |
| 4. New Postage Machine/Meter | \$13,896.00 |
| 5. Comprehensive Financial Plan – Baker Tilly | \$35,000.00 |

6. Request for appraisals for Liberty location of the Health Department	\$6,350.00 (2 appraisals)
7. EMA Disaster Response Trailer	\$46,549.84
8. EMS Station in Lynnville	\$150,000.00
9. Highway Department Equipment (6 pieces)	
a. Dura-patch machine	\$80,900.00
b. Skid steer-newer used	\$67,500.00
c. Dozer	\$127,778.00
d. Service truck	\$53,141.00
e. Single Axel Truck	\$60,000.00
f. Brush chipper	\$43,000.00

The Commissioners reviewed the list. Commissioner Saylor asked if there was a critical time line on the list of equipment that he presented. Mr. Howard said that they could be tabled. There was a brief discussion on the single axel truck. Some of the equipment would have trade-ins reducing the costs.

They had a brief discussion on immediate needs and items on the list.

Commissioner Dan Saylor made a motion to approve the funds for the EMS Station in Lynnville not to exceed \$150,000.00. Commissioner Bob Johnson seconded the motion. The motion carried 7-0.

Commissioner Bob Johnson made a motion to approve funds for the Scales Lake Park Trail not to exceed \$100,000.00 out of LATCF. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

Appraisals for the Liberty location of the Health Department was then discussed. Commissioner Dan Saylor made the motion for the appraisals for \$6,350.00. Commissioner Bob Johnson seconded the motion. The motion carried 3-0. President Phillippe also stated, from the numbers he is seeing, it would pretty much be a no-brainer for the County to purchase that building. They will need to talk to some of the Council members about that and the process. But the return on investments is very short term.

Next was the Future Highway Department Building Preliminary Costs. Mr. Howard said that the minimum, they would need to keep things moving, is the survey and environmental if they didn't want to approve the whole thing. It is for \$136,190.00. Commission Dan Saylor made a motion to approve the not to exceed \$136,190.00 for the Future Highway Department Building Preliminary Costs. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

Commissioner Saylor thought they should do the postage meter as it is needed. Commissioner Johnson asked why they were doing to postage meter out of ARPA funds as it is used every day to conduct business. President Phillippe agreed and had suggested that it be split up by the departments that use it the most, but he wasn't sure who that was. They agreed that it wasn't that much money, but felt it was more the point of it. It was also stated that it is something that could be taken care of with planning and the budgets. Commissioner Johnson also felt it was something that should be coming from General Funds. Commissioner Bob Johnson made a motion to approve the postage meter for \$13,896.00. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

EMA Disaster Response Trailer was next. Commissioner Dan Saylor made the motion to approve the \$46,549.84 for the response trailer. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

The Comprehensive Plan, the Weights & Measures, and Highway Equipment would be held until the next meeting. Commissioner Bob Johnson made the motion to table the three items. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**SHERIFF
BNG MAINTENANCE AGREEMENT**

Sheriff Mike Wilder was present for the request. He said that Harshaw Trane had been doing the maintenance, but they ended up using BNG for a different scenario and he asked for a quote to go ahead and do their maintenance. He would like to move forward with them. Administrator Soberg gave the quote amounts with Harshaw Trane being almost \$14,000.00 this year, a little over \$14,000.00 next year, and \$15,000.00 the year after. BNG is \$5,600.00 bi-annually. Attorney Skinner asked if there was a contract with Trane now. Ms. Soberg said none had been entered with them. Commissioner Bob Johnson made a motion to approve subject to attorney review of the contract/service agreement. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(BNG Agreement is located on File in the Auditor's Office)

WTH - GRANT FOR E911

Next, Sheriff Wilder presented a proposal where WTH could add a layer into their system, the CAD system, and how the calls would come up. Before, a call would come up and the home phone number would tell them the location the call was being made from. Now, most people have cell phones, not home phones. This would go through longitude and latitude and bring up a location in the CAD System. This is a Grant to put this in for free, so it wouldn't cost the County any money.

Shawn Scott with WTH spoke to the grant. The grant is through the Indiana Geographic Office and will come through the County. It will be funded at different levels. Upon signing and acceptance of the grant, there will be a percentage that will be funded. After 50% of the data has been completed, there will be another percentage, then upon completion, which has to be done in a year, is the final. He then went into more detail about the project and State

involvement, the available grants and how the grants are working. He also said that all this will also benefit the Highway Department because WTH will be creating a layer that will be broken into road segments, intersections, and incorporated lines that they will be able to work with. They have done twenty-five in Indiana and fifty-seven different counties that they work software with the 911. They are very comfortable with it and looking forward to it. It's a win-win-win, it keeps the County compliant, and no money will have to be put out for it.

This is an approval to submit the application. Commissioner Bob Johnson made the motion to approve the submission. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**COUNTY ATTORNEY
ORDINANCE ESTABLISHING SEPTIC SYSTEM REGULATIONS AND FEES
ORDINANCE 2024-17**

Attorney Skinner presented the Ordinance Establishing Septic System Regulations and Fees. This was tabled at the last couple meetings waiting on State approval. They aren't anticipating any issues with them after some minor corrections and now is ready for approval. Once it is approved, it will go back to the State and a State Committee will review it. Only one item will be left blank and that is for how many questions will be on the test for certification for installers. That was not done previously and will be done with this new Ordinance. Commissioner Bob Johnson made a motion to approve Ordinance 2024-17. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Ordinance 2024-17 is located on File in the Auditor's Office)

ANIMAL CONTROL POWER OF ATTORNEY

Next was the Animal Control Power of Attorney. This is a State/Federal requirement in order for the Animal Control Department to have certain Schedule 1 and Schedule 2 substances and to be able to purchase those. The Power of Attorney has to be on file with the DEA allowing the head of the Animal Control Department to be able to order those on behalf of the County. There is a form that has been provided. Attorney Skinner did suggest a few changes to tighten it up and make it more limited on what can be ordered. But otherwise, an approval is needed to make those edits and allow it to be signed by President Phillippe. It would name the Animal Control Supervisor as the Power of Attorney. Commissioner Bob Johnson made the motion to that effect. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

BARNES & THORNBURG ENGAGEMENT LETTERS

Attorney Skinner then presented Engagement Letters with Barnes & Thornburg. One is for advising for the Highway Garage Project and the various financing opportunities that are available to the County. The other is for special Counsel for utility disputes that they assisted with. He said they could approve separately or together. Commissioner Dan Saylor made a motion to approve both Engagement Letters with Barnes & Thornburg and for President Phillippe to sign on behalf of the Board. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Barnes & Thornburg Engagement Letters are located on File in the Auditor's Office)

MERISTEM PROPOSAL – HIGHWAY PROJECT

The Meristem Proposal is for the Highway Garage Project addressing preliminary needs in evaluating a ditch that runs along the property and whether it will be a jurisdictional waterway under IDEM. The evaluation will need to be done and the charge will be \$1,500.00 for the first task of water resources delineation, then \$2,400.00 for permitting if necessary. Commissioner Saylor asked where the money was coming from. Mr. Howard thought that the money was already figured into the preliminary costs. Commissioner Dan Saylor made the motion to approve the proposal. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Meristem Proposal is located on File in the Auditor's Office)

ORDINANCE FOR AMENDING THE BUILDING CODE – HARMFUL GASES

Attorney Skinner said that the Ordinance for Amending the Building Code, Harmful Gases, was not ready yet. He suggested tabling. Commissioner Dan Saylor made the motion to table. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

PC QUEST PROPOSED CONTRACT WITH THE HEALTH DEPARTMENT

Attorney Skinner presented a Proposed Contract with PC Quest for the Health Department for IT Services for an old server they maintain. There is work, he believed, to see about getting that transitioned over to the County's system, but in the meantime, they do need to continue those services. This contract does allow for a thirty-day notice of termination. So, when that transition is finalized, this contract can be terminated. It is a one-year agreement for \$742.50 per quarter. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(PC Quest Contract is located on File in the Auditor's Office)

LIBERTY CONCEPTS LEASE FOR THE HEALTH DEPARTMENT

Next was the Liberty Lease for the Health Department which needs to be renewed. It has an October 1st date and a renewal needs to be on file for the payments by the Auditor's Office. Attorney Skinner drafted a one-page renewal of the lease agreement for an additional twelve months. The rate increase is pursuant to the original lease agreement up to \$12.50 per square foot. If the building is purchased, the lease would be terminated. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Liberty Concepts Lease Agreement is located on File in the Auditor's Office)

PERMIT APPLICATION SUBMISSION FOR SECURITY CENTER PROJECT

Last for Attorney Skinner was a Permit Application Submission for the Security Center Project. Meristem identified that the stream by the new Jail building site does need a permit. They have prepared the permit and sent to the County for review. He just needs their approval to proceed with that permit being filed by Meristem. Commissioner Dan Saylor made the motion to proceed with the permit. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

COMMISSIONER ITEMS FOR DISCUSSION

The Commissioners had no items to discuss.

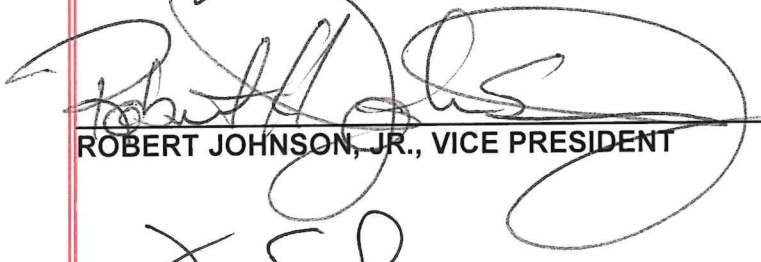
ADJOURNMENT

The next Warrick County Commissioners' meeting will be held on Monday, October 28, 2024 in the Commissioners' meeting room at 4:00 PM. Commissioner Bob Johnson made the motion to adjourn. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

Meeting adjourned at 12:31 PM.

WARRICK COUNTY BOARD OF COMMISSIONERS


TERRY PHILLIPPE, PRESIDENT


ROBERT JOHNSON, JR., VICE PRESIDENT


DAN SAYLOR, MEMBER

ATTEST: 
MICHAEL J. DIETSCH, AUDITOR
WARRICK COUNTY, INDIANA

Minutes Respectfully Submitted by Kristine Georges, Official Recording Secretary

Table containing meeting minutes details with columns for date, time, location, agenda item, speaker, and action items. The table is organized into two main sections, with the second section starting at 10/27/2024.

ACCOUNTS PAYABLE VOUCHER REGISTER

Notes: ALL VOUCHERS MUST BE SUPPORTED BY VALIDATION OF INVOICES. ALL VOUCHERS MUST BE SUPPORTED BY VALIDATION OF INVOICES. ALL VOUCHERS MUST BE SUPPORTED BY VALIDATION OF INVOICES.

File#	Department	Name of Claimant	Amount of Voucher	Amount Allowed	Warrant	Certified	Payroll 20
	1000-0001	CLERK	58,183.30				
	1000-0002	AUDITOR	11,358.53				
	1000-0003	TREASURER	8,586.00				
	1000-0004	RECORDER	7,523.30				
	1000-0005	STENOGR	11,088.32				
	1000-0006	SURVEYOR	4,878.83				
	1000-0007	COOKS	6,350.00				
	1000-0008	ASSESSOR	12,907.00				
	1000-0009	PROSECUTING ATTORNEY	22,089.70				
	1000-0011	CLERK	5,224.20				
	1000-0012	CLERK	1,000.00				
	1000-0013	CERTIFIED MAIL	6,328.47				
	1000-0014	COUNTY COUNCIL	12,000.00				
	1000-0015	COMMISSIONERS	12,000.00				
	1000-0016	AREA PLAN COMMISSION	6,001.72				
	1000-0107	COURT HOUSE	10,022.28				
	1000-0201	SUPERIOR COUNTY #1	17,051.38				
	1000-0202	SUPERIOR COUNTY #2	10,477.24				
	1000-0203	SUPERIOR COUNTY #3	11,201.30				
	1000-0301	PUBLIC DEFENSE	8,588.35				
	1000-0302	EMERGENCY MANAGEMENT	27,157.44				
	1000-0303	CENTRAL DISPATCH	26,871.95				
	1000-0304	CALL	4,870.27				
	1000-0600	ECONOMIC DEVELOPMENT	17,049.45				
	1132	SUM BRIDGE	5,151.35				
	1133	SUM BRIDGE	3,000.00				
	1139	HEALTH DEPT	8,358.86				
	1161	LOCAL PUBLIC HEALTH	10,170.11				
	1170	PUBLIC SAFETY LIT	29,583.87				
	1173	HIGHWAY DEPT	26,639.26				
	1178	MIDDLESEX	1,809.28				
	1178-0030		10,777.17				
	1178-0031		23,088.66				
	1178-0032		6,670.00				
	1178-0004		4,825.88				
	1189	RECORDS REPERCUSSION	3,255.44				
	1187	STORMWATER MANAGEMENT	15,325.48				
	1211	ELECTION	2,280.92				
	1213	ELECTION	2,280.92				
	1219	WASTE DEPT	18,872.00				
	2004	PROPERTY REASSESSMENT	2,000.00				
	2006	SUPERIOR ADULTS/PROBATION	881.84				
	2504	RETRIAL DIVISION	1,773.00				
	4388	BUILDING COMMISSION	4,564.00				
	4021	DEVELOP PROG INCOME	2,512.24				
	6078	VOCA	2,186.45				
	8888	CHILD SUPPORT/PROSECUTOR	2,807.23				
	9203	COMMUNITY CONNECTIONS	2,807.23				
		Total	656,312.80				

I hereby certify that each of the above listed vouchers and the invoices, or bills attached as indicated in the Certified column hereto, are true and correct and I have audited the same in accordance with the provisions of the Indiana Code, Title 36, Article 2-2-2022. Michael Deibel, Chief Auditor

ALLOWANCE OF VOUCHERS IC 3-11-10-2 permits the governing body to sign the Accounts Payable Voucher Register, consisting of one (1) page, and receipt for payment and to amount as shown on the register such vouchers are allowed in the total amount of: 656,312.80

Michael Deibel
Chief Auditor

Ben Saylor
County Commissioner

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2024-15
PLAN COMMISSION DOCKET # PC R 24-08
AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA
COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN
REAL ESTATE IN WARRICK COUNTY, INDIANA
BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF
WARRICK COUNTY, INDIANA

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the A, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Part of Parcel 1 of the Orville Grimm Parcelization Plat, as per plat thereof, recorded in Document No. 2015R-005007 in the office of the Recorder of Warrick County, Indiana, being part of the Southeast Quarter of the Northwest Quarter of Section 28, Township 8 South, Range 9 West in Ohio Township, Warrick County, Indiana per a survey completed by Bret Alan Sermersheim of Morley, Job #11829.1.001A completed on January 12, 2022, last revised February 9, 2022, being more particularly described as follows:

Commencing at the southwest corner of said quarter, quarter section; thence along the west line thereof, North 0 degrees 43 minutes 08 seconds East 49.24 feet to the north right-of-way line of Lincoln Avenue recorded in Document Number 2008R-004766 in said office of the Recorder, said point also being the southwest corner of Primrose Retirement Communities, as per plat thereof, recorded in Document No. 2016R-000421 in said office of the Recorder; thence along the south boundary of said Primrose the following two (2) courses, North 89 degrees 39 minutes 59 seconds East 189.90 feet; thence South 89 degrees 38 minutes 25 seconds East 260.13 feet to the southeast corner of said Primrose; thence along the east line of Primrose, North 00 degrees 43 minutes 08 seconds East 211.85 feet to the POINT OF BEGINNING; thence continuing along the east line of Primrose, North 00 degrees 43 minutes 08 seconds East 1057.00 feet to the northeast corner of Primrose, said point being on the north line of said Parcel 1 of the Orville Grimm Parcelization Plat; thence along said north line, South 89 degrees 35 minutes 59 seconds East 165.00 feet; thence South 00 degrees 43 minutes 08 seconds West 1057.00 feet; thence North 89 degrees 35 minutes 59 seconds West 165.00 feet to the point of beginning, containing 174,405 square feet (4.00 acres) more or less.

Being Parcel 1 of the Orville Grimm 2 Parcelization Plat, as per plat thereof, recorded in Document No. 2022R-001471 in the office of the Recorder of Warrick County, Indiana.

J:\11000\11800-11829\11829\Civil\303\Documents\Rezoning\Filing\11829 Rezoning Ordinance to PUD w/R-3.docx

Which real estate is now zoned and classified as part of the A District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall and the same is hereby rezoned and reclassified from said A District to said PUD w/R-3 District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

ATTEST:
Michael Deibel
 County Auditor
 10/9/24
 Date Approved

Ben Saylor
 President
Wesley Fleischmann
 Member
Dan Saylor
 Member
 BOARD OF COMMISSIONERS OF
 WARRICK COUNTY, INDIANA

I affirm under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Wesley Fleischmann
 Signature

Wesley Fleischmann
 Printed Name

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Newburgh Retirement, LLC, Petitioner and Owner, of certain real estate situated in the County of Warrick, Indiana, commonly described as 9700 Outer Lincoln Avenue, which real estate is more particularly described as follows, to wit:

Part of Parcel 1 of the Orville Grimm Parcelization Plat, as per plat thereof, recorded in Document No. 2015R-005007 in the office of the Recorder of Warrick County, Indiana, being part of the Southeast Quarter of the Northwest Quarter of Section 28, Township 6 South, Range 9 West in Ohio Township, Warrick County, Indiana per a survey completed by Bret Alan Sermersheim of Morley, Job # 11829.1.001A, completed on January 12, 2022, last revised February 9, 2022, being more particularly described as follows:

Commencing at the southwest corner of said quarter, quarter section; thence along the west line thereof, North 0 degrees 43 minutes 08 seconds East 49.24 feet to the north right-of-way line of Lincoln Avenue recorded in Document Number 2008R-004766 in said office of the Recorder, said point also being the southwest corner of Primrose Retirement Communities, as per plat thereof, recorded in Document No. 2016R-000421 in said office of the Recorder; thence along the south boundary of said Primrose the following two (2) courses, North 89 degrees 39 minutes 59 seconds East 189.90 feet; thence South 89 degrees 38 minutes 25 seconds East 260.13 feet to the southeast corner of said Primrose; thence along the east line of Primrose, North 00 degrees 43 minutes 08 seconds East 211.85 feet to the POINT OF BEGINNING; thence continuing along the east line of Primrose, North 00 degrees 43 minutes 08 seconds East 1057.00 feet to the northeast corner of Primrose, said point being on the north line of said Parcel 1 of the Orville Grimm Parcelization Plat; thence along said north line, South 89 degrees 35 minutes 59 seconds East 165.00 feet; thence South 00 degrees 43 minutes 08 seconds West 1057.00 feet; thence North 89 degrees 35 minutes 59 seconds West 165.00 feet to the point of beginning, containing 174,405 square feet (4.00 acres) more or less.

Being Parcel 1 of the Orville Grimm 2 Parcelization Plat, as per plat thereof, recorded in Document No. 2022R-001471 in the office of the Recorder of Warrick County, Indiana.

Subject to all easements and rights-of-ways of record.

WHEREAS, as the real estate is currently classified as an A Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district R-3 PUD; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

- 1. Use of the Real Estate shall be limited to the following uses: Nursing and Rest Homes
2. Use of the Real Estate shall be limited to the following development requirements: Development Requirements per an approved PUD Development Plan.
3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 5th day of August, 2024 by, Newburgh Retirement, LLC, Petitioner and Owner, for the purpose set forth herein.

Petitioner: William J. Schaeffbauer, II - Vice-President, Newburgh Retirement, LLC

Owner: William J. Schaeffbauer, II - Vice-President, Newburgh Retirement, LLC

STATE OF SOUTH DAKOTA)
COUNTY OF BROWN) SS:

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named Newburgh Retirement, LLC, petitioner and owner, by: William J. Schaeffbauer, II its Vice-President

who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 5th day of August, 2024

Notary Public, South Dakota
A resident of Brown County, South Dakota

My commission expires: 1/25/26

This instrument prepared by: Wesley Fleischmann, Morley, 4800 Rosebud Lane, Newburgh, IN 47630, 812-464-9585



WARRICK COUNTY COMMISSIONERS ORDINANCE # 2024-16
 PLAN COMMISSIONER DOCKET # PC-R-24-09
 AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA
 COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN
 REAL ESTATE IN WARRICK COUNTY, INDIANA

**BE IT ORDAINED BY COMMISSIONERS OF WARRICK
 COUNTY, INDIANA:**

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005 and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the "AG" District as shown on said Warrick County Zoning District Maps, be amended as to the described real estate:

Part of the North Half of the Southeast Quarter of the Northwest Quarter of Section 20, Township 6 South, Range 9 West in Ohio Township, Warrick County, Indiana and being more particularly described as follows:

Commencing at the Northwest Corner of the Southeast Quarter of the Northwest Quarter of said Section 20; thence along the north line of said Quarter Quarter Section, South 89 Degrees 50 Minutes 57 Seconds East 954.56 feet to the point of beginning at a point located 355 feet west of the Northeast Corner of the Southeast Quarter of the Northwest Quarter of said Section 20 and also being a corner of a tract of ground rezoned in Document 2005R-004139 in the Office of the Recorder of Warrick County, Indiana; thence continue South 89 Degrees 50 Minutes 57 Seconds East 262.98 feet to a corner of a tract of land conveyed to the Warrick County Board of Commissioners (BOC) in Document 2006R-007707 in the Office of said Recorder; thence along the west boundary of said tract conveyed to the BOC, South 00 Degrees 55 Minutes 36 Seconds West 38.34 feet; thence continue along the west boundary of said tract conveyed to the BOC, South 62 Degrees 30 Minutes 30 Seconds East 33.54 feet; thence continue along the west boundary of said tract conveyed to the BOC, South 00 Degrees 55 Minutes 36 Seconds West 391.28 feet to a point on the boundary of the tract of ground rezoned in Document 2005R-004139 in the Office of said Recorder; thence along said boundary, North 89 Degrees 50 Minutes 57 Seconds West 289.52 feet; thence parallel with the east line of the Southeast Quarter of the Northwest Quarter of said Section 20 and along the boundary of the tract of ground rezoned in Document 2005R-004139 in the Office of said Recorder; North 00 Degrees 28 Minutes 53 Seconds East 445.00 feet to the point of beginning and containing a gross area of 2.944 acres, more or less.


Subject to a Town of Chandler, Indiana Perpetual Right of Way Easement in Document 2007R-005919 in the Office of the Recorder of Warrick County, Indiana.

Also, subject to all other easements and rights-of-ways of record.

Which real estate is zoned and classified as part of the Agricultural District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said Agriculture District to said C-4 General Commercial

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.


 President



 Member


 Member
 BOARD OF COMMISSIONERS
 WARRICK COUNTY INDIANA

County Auditor: Michael Diebach

Date Approved: 10/9/24

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.


 Signature

Scott Buedel
 Printed Name

This document prepared by: Scott Buedel, Cash Waggner and Associates, PC
 414 Citadel Circle, Suite B, Evansville, IN 47715.

RENEWAL OF LEASE AGREEMENT

THIS RENEWAL is made and entered into as of October 1, 2024, by and between **LIBERTY CONCEPTS, INC.**, an Indiana corporation, its successors and assigns, with an address of 3355 Liberty Boulevard, Boonville, Indiana 47601 (hereinafter "Lessor"), and **WARRICK COUNTY**, by and through its Board of Commissioners, an Indiana political subdivision with an address of 1047 W Locust Street, Suite 301, Boonville, Indiana 47601 (hereinafter "WARRICK COUNTY").

WITNESSETH THAT:

WHEREAS, Lessor and Warrick County entered into a Lease Agreement dated April 9, 2024, which was deemed to have commenced on October 1, 2023; and,

WHEREAS, WARRICK COUNTY desires to renew said Lease Agreement for an additional year.

NOW THEREFORE, the parties hereto, in conformance with Paragraph 5 of the Lease Agreement, agree to renew said Lease Agreement for an additional twelve (12) months at the rate of Twelve and 50/100 Dollars (\$12.50) per square foot of leased space contained in Exhibit A of said Lease Agreement. In the event of purchase of the building by Warrick County, the parties agree that this renewal may be terminated by Warrick County as part of the purchase process. All other provisions of said Lease Agreement shall remain in effect.

Lessor acknowledges and accepts the alterations and improvements previously made by Tenant as acceptable and permissible pursuant to Paragraph 13 of the Lease Agreement.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, Lessor and WARRICK COUNTY have duly executed this Lease and acknowledge its Effective Date to be the date as defined above.

LIBERTY CONCEPTS, INC.

WARRICK COUNTY

By: Michael A. Schnell
Michael A. Schnell
Date: 10/18/24

By: Terry Phillips
Terry Phillips, President
Date: 10/9/24

Robert Johnson
Robert Johnson, Vice-President
Date: 10/9/24

By: Dan Stryker
Dan Stryker, Member
Date: 10/9/24

Attest:
Michael Dietz
Michael Dietz, Auditor