

**WARRICK COUNTY BOARD OF COMMISSIONERS MEETING**

REGULAR SESSION  
COMMISSIONERS MEETING ROOM  
107 W. Locust Street, Suite 303  
Boonville, Indiana  
June 26, 2023  
4:00 P.M.

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

Attorney John Goth and Administrator Heather Soberg were in attendance.

Auditor Michael Dietsch, 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 4:00 PM.

**PLEDGE OF ALLEGIANCE**

**AREA PLAN COMMISSION  
AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES, SECTION 3  
SPECIAL USE DESIGNATIONS  
ORDINANCE 2023-11**

Area Plan Director Molly Barnhill presented new ordinances to amend the Comprehensive Zoning Ordinances in effect for Warrick County. The first was an ordinance to amend Article V, Special Uses, Section 3, Special Use Designations. The purpose of this ordinance is to designate SU-30, being Bed & Breakfast, under Special Use Designations. This is continued from the June 12, 2023 Commissioner's Meeting. It was recommended unanimously by the Area Plan Board.

The Commissioners felt that they had all their questions answered. Commissioner Bob Johnson made the motion to approve Ordinance 2023-11. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(Ordinance 2023-11 is located on Page 4 of these Official Minutes)*

**AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES  
SECTION 4 DISTRICT LIMITATIONS  
ORDINANCE 2023-12**

The next ordinance Ms. Barnhill presented was an ordinance to amend Article V, Special Uses, Section Four, District Limitations. The purpose of this ordinance is to amend Table A by adding SU-30 under A, Agriculture and CON, Conservancy, and R-1 Family Zoning Districts. This is continued from the June 12, 2023 Commissioner's Meeting. It was recommended unanimously by the Area Plan Board.

Commissioner Dan Saylor made the motion to approve Ordinance 2023-12. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(Ordinance 2023-12 is located on Page 5 of these Official Minutes)*

**AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 5 PROCEDURE  
ORDINANCE 2023-13**

Ms. Barnhill presented the last ordinance, an ordinance to amend Article V, Special Uses, Section 5, Procedures. The purpose of this ordinance is to add Section N, Procedures for SU-30, Bed and Breakfast. It is continued from the June 12, 2023 Commissioner's meeting. It was recommended unanimously by the Area Plan Board subject to the change that parking will be on the premises.

Commissioner Bob Johnson made the motion to approve Ordinance 2023-13. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(Ordinance 2023-13 is located on Page 5 of these Official Minutes)*

**REQUEST FOR REZONE  
PC-R-23-04**

Next, Ms. Barnhill presented a Request to Rezone that was tabled at the March 13, 2023, April 10, 2023, and June 12, 2023 Commissioner's meetings. The petitioner is Special Waste Services, Inc by Joe Beard, owner. The owner of the property is J Rose Properties, LLC by Joe Beard, owner. It is to rezone 3.15 acres located on the west side of Prospect Drive approximately 600 feet north of the intersection formed by Vann Road and Prospect Drive from M-2, General Industrial Zoning District to M-3, Solid Waste Disposal Zoning District for Lots 7 & 8 in Warrick Research &

Industrial Center, Number 3 as recorded in Document 1996R-003758, Ohio 19-6-8. It was advertised in the Standard on March 2, 2023. It was recommended unanimously by the Area Plan Board.

Mr. Hills was present for this meeting to answer questions. The Commissioners still had some concerns about the project and environmental impact. Commissioner Saylor asked Mr. Hills to go through the processes for solidifying both the grease and water from the car and industrial washes. Mr. Hill went through those processes. He stated that most processes were done in an enclosed area greatly limiting the chance of any spills and that none of what they would be handling would be hazardous materials. They could only handle what their permit from IDEM allowed them to handle. Commissioner Johnson was concerned for the residential areas that were close to the area and any odors that could be present. He felt that it was too close for that kind of business. They had a brief discussion on some of the issues. Commissioner Johnson then asked about touring the facility and doing a risk analysis. Mr. Hills said that they would be more than willing as they wish to be able to move this forward.

Commissioner Bob Johnson made a motion to table the request to rezone to the next Commissioner's meeting. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

### **ACTION AGENDA APPROVAL OF MINUTES MAY 22, 2023**

Minutes for the June 12, 2023 Regular Session Commissioner meeting were presented to the Commissioners for approval. Commissioner Bob Johnson made the motion to approve the minutes. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

### **COUNTY ADMINISTRATOR GIS AGREEMENT FOR E-REP REGIONAL RIVER FRONT PLANNING STUDY**

County Administrator Heather Soberg presented a GIS Agreement for the E-Rep Regional River Front Planning Study. Mr. Colten Pipenger from E-Rep was present to discuss the project. He went over the plans and how they'll utilize the GIS for the study and how individuals can keep up to date with what they are doing. Commissioner Dan Saylor made the motion to approve the agreement. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(E-REP GIS Agreement is located on File in the Auditor's Office)*

### **CONSENT AGENDA**

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

- a. County Auditor Claims Voucher - Report Date 06/21/2023
- b. Payroll Voucher 06/16/2023
- c. Date Correction of 05/22/2023 for Minutes approved at 06/12/2023 Meeting
- d. Mainstream Fiber Four (4) Month Peddler's License Approval
- e. Health Department Independent Contractor Agreement - A. Pribble
- f. Approval of EMA HMMWV sale via GovDeals Auction
- g. Weights and Measures Monthly Report 05/16/06/15/23
- h. Treasurer's Monthly Report May 2023
- i. Larry's Automotive Request for Road Closure

There was no discussion. Commissioner Day 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 6 through 10 of these Official Minutes)*

*(Payroll is located on Page 10 of these Official Minutes)*

*(Mainstream License Agreement is located on File in the Commissioner's Office)*

*(Pribble Contract is located on Pages 10 through 11 of these Official Minutes)*

*(EMA HMMWV Paperwork is located on File in the Auditor's Office)*

*(Weights & Measures Report is located on File in the Auditor's Office)*

*(Treasurer's Report is located on Page 12 of these Official Minutes)*

### **COUNTY ATTORNEY ACCEPTANCE AND DEDICATION OF RIGHT-OF-WAY FOR ANDERSON ROAD**

County Attorney John Goth presented an Acceptance and Dedication of Right-of-Way from Cornell Excavation for Anderson Road. Cody Simpson was present from Morley and Associates to discuss. He said that it was part of the

Warrick Trails Project. Commissioner Bob Johnson made the motion to approve the acceptance and dedication. Commissioner Saylor seconded the motion. The motion carried 3-0.

*(Anderson Road Acceptance and Dedication is located on File in the Auditor's Office)*

**COUNTY ENGINEER/HIGHWAY  
BID OPENING CCMG 2023-1**

County Engineer and Highway Superintendent Bobby Howard presented the bid openings for the Community Crossings Matching Grant 2023-1. He briefly listed the roads that would be resurfaced with the project. Mr. Howard received three unopened bids for the project and opened them before the Commissioners. The bids were as follows:

JH Rudolph	\$2,114,852.35
E & B Paving	\$2,184,991.00
Metzger Construction	\$1,933,644.00

Mr. Howard asked due to time constraints that the lowest bid be approved pending review. Commissioner Saylor made the motion to approve the lowest bidder, Metzger Construction, subject to review by Mr. Howard. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(Metzger Bid Paperwork is located on File in the Auditor's Office)*

**ADMINISTRATIVE SETTLEMENT FOR TELEPHONE ROAD  
PARCEL 21**

Mr. Howard presented Parcel 21 for settlement in conjunction with the Telephone Road Project. He stated that it was in increase of \$3,600.00 and he recommended approval. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(Parcel 21 is located on Page 12 of these Official Minutes)*

**BRIDGE 309 PROJECT**

Mr. Howard asked for the Commissioner to approve for the Bridge 309 Project documents to go to bid. Commissioner Dan Saylor made the motion. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(Paperwork for Bid Opening is located on File in the Auditor's Office)*

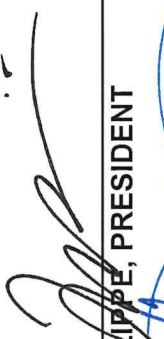
**GRANT DEVELOPMENT  
REQUEST FOR ADDITIONAL COMPETITIVE ARPA FUNDING FOR BOONVILLE  
COUNTY CLUB AND NEWBURGH RIVER TOWN TRAIL  
REQUEST FOR ADDITIONAL COUNTY ARPA FUNDING FOR  
FRIEDMAN PARK SECURITY**

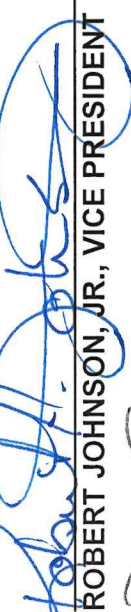
Grants Development Director Debbie Bennett-Stearnsman presented requests for additional ARPA Funding to the Commissioners. The Commissioners stated that they were getting close to the balance of the ARPA funding and wanted to individually discuss with her those balances and look at the big picture and priorities. They would like to table the requests for now. Commissioner Bob Johnson made a motion to table all the requests. Commissioner Saylor seconded the motion. The motion carried 3-0.


**ADJOURNMENT**

The next Warrick County Commissioners' meeting will be held on Monday, July 10, 2023 in the Commissioners' meeting room at 4:00 PM. Commissioner Dan Saylor made the motion to adjourn. Commissioner Bob Johnson seconded the motion. The motion carried 3-0. Meeting adjourned at 4:28 P.M.

**WARRICK COUNTY BOARD OF COMMISSIONERS**

  
 \_\_\_\_\_  
**TERRY PHILIPPE, 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*

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2023- 11

AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 3 SPECIAL USE DESIGNATIONS OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA


BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA, as follows to wit:

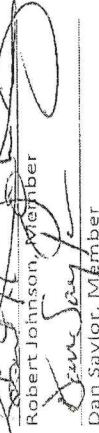
Section 1. That ARTICLE V SPECIAL USES SECTION 3 SPECIAL USE DESIGNATIONS be amended to read as follows:


SU-30) Bed and Breakfast- A private establishment that provides up to six (6) sleeping rooms for rent for set terms, generally by the week or month, in which meals may be provided on a communal basis, but in which cooking is prohibited in individual sleeping rooms.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners for Warrick County, State of Indiana.


Approved this 26 day of June, 2023

  
 Terry Philippe, President

  
 Robert Johnson, Member

  
 Dan Saylor, Member

ATTEST:

  
 Mike Dietsch, Auditor

Public Hearing held by Area Plan Commission 6-26, 2023

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2023-12  
 AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 4 DISTRICT LIMITATIONS TABLE A OF THE  
 COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA  
 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA, as follows  
 to wit:

Section 1. That Article V Special Uses Section 4 District Limitations Table A be amended by adding  
 SU 30 in CON, A, R-1, R-1A, R-1B, R-1C, R-1D zoning districts (see attached)

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of  
 County Commissioners for Warrick County, State of Indiana.

Approved this 26 day of June, 2023.

Trey J Phillips President  
Robert Johnson Member  
Sam Saylor Member

ATTEST:

Mike Dietsch, Auditor

Public Hearing held by Area Plan Commission 6-26, 2023

Table A

SU CON	SPECIAL USES BY ZONING DISTRICT																
	A	R-1D	R-1	R-1A	R-1B	R-1C	R-2	R-2A	R-3	R-3A	R-3B	R-3C	R-3D	W-1	W-2	W-3	
1	X																
2	X																
3	X																
4	X																
5	X																
6	X																
7																	
8																	
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10	X																
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26	X																
27	X																
28	X																
29	X																
30	X																

WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2023-13  
 AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 5 PROCEDURE OF THE COMPREHENSIVE  
 ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA, as follows  
 to wit:

Section 1. That ARTICLE V SPECIAL USES SECTION 5 PROCEDURES be amended to read as follows:

- N. All SU-30 Special Uses shall be subject to the following requirements:
- 1) A person/owners operating the bed and breakfast shall be a resident of the premises.
  - 2) In no case shall a bed and breakfast be located in an accessory building.
  - 3) Must provide 2 parking spaces plus 1 for each guest room on premises.
  - 4) One sign, up to 25 sq. ft. is allowed. Must be a minimum of 25' set back from ROW.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of  
 County Commissioners for Warrick County, State of Indiana.

Approved this 26 day of June, 2023.

Trey J Phillips President  
Robert Johnson Member  
Sam Saylor Member

ATTEST:

Mike Dietsch, Auditor

Public Hearing held by Area Plan Commission 6-26, 2023

Warrick County Board of Commissioners Meeting Minutes

June 26, 2023

Warrick County Board of Commissioners Meeting Minutes

Commissioner	Committee	Item	Item Description	Item Number
Commissioner A	County Board	11000	County Board Meeting	11000
Commissioner B	County Board	11000	County Board Meeting	11000
Commissioner C	County Board	11000	County Board Meeting	11000
Commissioner D	County Board	11000	County Board Meeting	11000
Commissioner E	County Board	11000	County Board Meeting	11000
Commissioner F	County Board	11000	County Board Meeting	11000
Commissioner G	County Board	11000	County Board Meeting	11000
Commissioner H	County Board	11000	County Board Meeting	11000
Commissioner I	County Board	11000	County Board Meeting	11000
Commissioner J	County Board	11000	County Board Meeting	11000
Commissioner K	County Board	11000	County Board Meeting	11000
Commissioner L	County Board	11000	County Board Meeting	11000
Commissioner M	County Board	11000	County Board Meeting	11000
Commissioner N	County Board	11000	County Board Meeting	11000
Commissioner O	County Board	11000	County Board Meeting	11000
Commissioner P	County Board	11000	County Board Meeting	11000
Commissioner Q	County Board	11000	County Board Meeting	11000
Commissioner R	County Board	11000	County Board Meeting	11000
Commissioner S	County Board	11000	County Board Meeting	11000
Commissioner T	County Board	11000	County Board Meeting	11000
Commissioner U	County Board	11000	County Board Meeting	11000
Commissioner V	County Board	11000	County Board Meeting	11000
Commissioner W	County Board	11000	County Board Meeting	11000
Commissioner X	County Board	11000	County Board Meeting	11000
Commissioner Y	County Board	11000	County Board Meeting	11000
Commissioner Z	County Board	11000	County Board Meeting	11000











automobile liability insurance in amounts satisfactory to the County. Contractor further agrees to hold Contractor, its employees, subcontractors, agents, successors, or assigns, including, but not limited to, court costs and attorney fees arising out of or with respect to any injury to or death of Contractor. The maintenance of insurance will not in any manner affect Contractor's obligation to indemnify the County, as provided hereinbelow, but maintenance of such insurance shall be a condition precedent to the payment to Contractor of the consideration provided for herein.

Contractor shall be entirely and solely responsible for his or her actions while engaged in the performance of the Services. Contractor, for him or herself and for all heirs, successors, or assigns of Contractor, covenants and agrees to indemnify and hold harmless the County, absolutely and without limitation, from and against all claims, damages, losses, costs, expenses, and attorney fees, including those recovered by any and all persons whomsoever on account of the acts or omissions of Contractor during the performance of the Services. Similarly, Contractor agrees to indemnify and hold harmless the County for loss or damage to any of the County's property or equipment used or obtained in connection with the performance of the Services.

7. **Relationship of the Parties.** The Contractor shall at all times be considered an independent contractor. Contractor acknowledges and agrees that he or she will perform his or her obligations herein solely as an independent contractor, and will not represent him or herself in any manner to any third party as a representative or authorized agent of the County, or to make any statement, oral or written, on behalf of the County, or to bind the County in any way. Contractor shall be responsible for the conduct and control of the services to be performed hereunder. The manner and means of conducting the work to be performed hereunder are in the sole discretion and control of Contractor. However, the services contemplated within the terms of this Agreement must meet the approval of the County, and shall be subject to the County's general right of supervision in order to assure the satisfactory completion thereof.

8. **Assignment.** Contractor agrees that he or she will not subcontract or assign any part of his or her duties under this Agreement to any organization or individual without approval from the County.

9. **Taxes.** The County shall not be responsible for any taxes levied on Contractor as a result of this Agreement. Contractor shall be solely and exclusively liable for payment of any and all taxes levied on Contractor as a result of this Agreement.

10. **Governing Law.** The validity, performance, interpretation, and effect of this Agreement shall be governed by the laws of the State of Indiana. If any provision of this Agreement or the application thereof shall, for any reason, and to any extent, be invalid or unenforceable, the remainder of this Agreement and the application thereof shall not be affected thereby, but rather shall be enforced to the maximum extent possible under applicable law.

11. **Entire Agreement.** This Agreement embodies the entire understanding of the parties and there are no other agreements or understandings, oral or written, between the parties relating to the subject matter hereof. No amendment or modification of this Agreement shall be valid or binding upon the parties until made in writing and signed on behalf of each of such parties by their respective representatives.

12. **Competition.** Neither this Agreement nor the relationship created thereby shall operate to preclude the Contractor from contracting to provide his or her services to other persons or entities, so long as the same does not adversely affect his or her ability to provide the Services hereunder.

2

EXHIBIT A

INDEPENDENT CONTRACTOR AGREEMENT

Contractor hereby agrees to perform the following services for the County, as needed:

- Promote COVID-19 vaccination
- Report compliance site visit data in a format required by the Indiana Department of Health
- Submit quarterly and annual reports in a format prescribed by the Indiana Department of Health

13. **Severability.** If the severance of any provision contained in this Agreement shall for any reason be held invalid, unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision contained in this Agreement. If any provision contained in this Agreement shall for any reason be held invalid, unenforceable, or otherwise unenforceable to the extent compatible with the applicable law as it then shall appear.

14. **Amendment.** No supplement, modification, or amendment of this Agreement will be binding unless in writing and executed by all of the parties that are signatories to this Agreement.

IN WITNESS WHEREOF, the parties hereunto have entered into this Agreement on the date first above written.

WARICK COUNTY HEALTH DEPARTMENT

BY: [Signature]  
ITW: Warrick County Health

Printed Name: Alexandra P. Ryba  
Signature: [Signature]  
Contractor

APPROVED:

WARICK COUNTY BOARD OF COMMISSIONERS

[Signature]  
Robert E. Johnson, Jr., Vice President  
[Signature]  
Dan Saylor, Member

Signature by Board President affixed to bind County during Emergency Declaration. Resolution 2021-63

Prescribed by the State Board of Accounts

1046

County Form No 47-TR

COUNTY TREASURER'S MONTHLY REPORT

Required by IC 36-2-10-16 and IC 6-13

Month ending May 31, 2023

WARRICK COUNTY

FILED JUN 27 2023

WARRICK CO. AUDITOR

RECEIVED JUN 27 2023 WARRICK CO. AUDITOR

FILED

JUN 21 2023

WARRICK CO. AUDITOR

Table with columns for CHARGES and CREDITS, listing various tax and fee items with their respective amounts.

Summary table showing Depository Balance as Shown by Balance of Cash and Investments as Shown by Daily Balance of Cash and Depositories Record.

Table for RECONCILEMENT WITH DEPOSITORIES, showing balance in all depositories per daily balance record and outstanding warrant checks.

Table for ANALYSIS OF CASH ON HAND AT CLOSE OF MONTH, detailing cash change fund advanced by county and receipts deposited in depositories.

State of Indiana, Warrick County: ss: I, the undersigned Treasurer of the aforesaid County and State hereby certify that the foregoing report is true and correct to the best of my knowledge and belief.

Signature of County Treasurer

MEMORANDUM

APPROVED JUN 26 2023

TO: Warrick County Board of Commissioners
THRU: Edgar E. Slaton, Manager Right of Way Services, Lochmueller Group, Inc.

RW AGENT: Peggy A. Ralston, Right of way Agent, Lochmueller Group, Inc.
DATE: 6/13/2023
SUBJECT: Recommendation for Administrative Settlement

The County's fair market value determination of \$28,900.00 for 1.39 acres of permanent right-of-way and 0.041 acres of temporary easement, and land improvements was offered to the owner. The offer was based on an appraised land value of \$25,000.00 per acre.

The County is required to make every reasonable effort to acquire real property expeditiously by agreements with owners, and to avoid litigation and relieve congestion in the courts.

As an alternative, the condemnation process will take 4 to 6 months to clear the parcel, and on the average 1 year to settle the case. The average settlement is 30% more than the offered amount.

We believe, therefore, it is in the best interest of the County to settle this parcel for \$32,500.00. This is an increase of \$3,600.00 over the appraised amount, but a great deal of time and money can be saved by settling this parcel as opposed to acquiring it through condemnation.

In the interest of expediting the acquisition, keeping the project on schedule, and controlling costs, the County has determined that an administrative settlement is reasonable, prudent, and in the public interest.

THIS RECOMMENDATION APPROVED:

Signature of Terry J. Phillippe

Terry J. Phillippe, President

Signature of Robert H. Johnson, Jr.

Robert H. Johnson, Jr., Vice President

Signature of Dan Saylor

Dan Saylor, Member

Cc: records