

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING

REGULAR SESSION
COMMISSIONERS MEETING ROOM

107 W. Locust Street, Suite 303

Boonville, Indiana

July 10, 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 Andrew Skinner and Administrator Heather Soberg were in attendance.

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
ORDINANCE CHANGES**

Area Plan Director Molly Barnhill presented several ordinance changes to the Comprehensive Zoning Ordinances. The first was an ordinance to amend Article V, Special Uses, Section 3, Special Use Designations of the Comprehensive Zoning Ordinance in effect for Warrick County. The Purpose of this Ordinance is to designate SU-31, being an Accessory Dwelling Unit, under Special Use Designations. It was advertised in the Standard on June 1, 2023. The APC Board made a positive recommendation to the Commissioners with the amendment of the In-Law Suite to be amended to an Accessory Dwelling Unit.

The Commissioners asked what this applied to. Ms. Barnhill said that it applied to accessory buildings such as mother-in-law suites or for family members or older children still living at home. There was a brief discussion on what was contained in these accessory buildings. Ms. Barnhill went over necessary approvals for accessory buildings when going through the permitting process. She said that some of the things that people were questioning had more to do with the Building Department and its regulations.

Commissioner Johnson was concerned that this might be more like signing a blank check and anything goes. He would like to see it more defined. She said many of the concerns were addressed in the other ordinances that she planned on presenting in the meeting. She did state that they researched what was being used in the surrounding counties and used similar ordinances.

They then discussed the involvement of the Building Department in the permitting process. The Commissioners would like to see minimum regulations and possibly have the Building Department involved. Ms. Barnhill will take it back to the Planning Commission to help address the Commissioners concerns. Bob Johnson made a motion to table the ordinances to the September 11, 2023 Commissioner meeting. Ms. Barnhill suggested a motion to send it back to the APC to give them the time they need to address it and when they are ready, they can bring a recommendation to the Commissioners. Dan Saylor made a motion to send it back to APC for further review. Bob Johnson seconded the motion. The motion carried 3-0.

**REQUEST TO REZONE
PC-R-23-04
SPECIAL WASTE SERVICES**

Next, Ms. Barnhill presented a Request to Rezone, PC-R-23-04, by Special Waste Services, Inc by Joe Beard, Owner. The owner of the property is J Rose Properties, LLC by Joe Beard, Owner. They are requesting 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. This was tabled at the last Commissioner's meeting and did receive a positive recommendation from the Planning Commission. Joe Beard and Mr. Hills were present to answer any questions.

President Phillippe started off by saying that he had driven by the property. However, he still has concerns. They have talked to other businesses in the county that handle the same kind of disposal, so they have had some questions answered. Commissioner Saylor said he had not been able to be on site yet, but would want to see some rights to inspections locally. They are also not clear on the containment and how the indoor/outdoor processing works. There were also concerns about odors and ways to control the odor. The Commissioners also concerned about how long the product might sit at the facility. Mr. Beard went over their process to contain odors as well as the process of solidification for liquid from the car wash pits and for waste from the grease traps since they are both different processes and further answered some of the Commissioner's questions. Currently, Mr. Beard said they can only haul to certain areas and it is becoming increasingly difficult. If this waste was solidified, as they are proposing, this will almost eliminate this issue of the various places not taking the liquid and the liquid daily limits.

Commissioner Phillippe asked Attorney Skinner what needed to be done to have their concerns addressed yet let this get approved so that the gentlemen can do what they are wanting to do. Attorney Skinner clarified with Ms. Barnhill the right to inspect the property and that it might need to be something that the APC added into the rezoning as a special use requirement for this project. Ms. Barnhill said that it wouldn't come from the APC, but thought that the Commissioners could put that on there as part of their stipulations. There was a brief discussion on how to do this with the Commissioners, Ms. Barnhill, and Attorney Skinner. Mr. Hills stated that the State of Indiana already had the

right to inspect their facility at any time, both IDEM and EPA. Commissioner Phillippe's concern was it was not their phone that would ring. It would be the Commissioners. Mr. Hills stated that it could be referred to the State and a State inspector would come.

Ms. Barnhill stated that if there were any conditions, that would be spoken into the motion and would be part of the minutes and would be in the record. She clarified this with Attorney Skinner. His concern was tracking and enforcing. He went through the processes then suggested adding the stipulations to the ordinance that was being presented to the Commissioners.

Commissioner Phillippe felt there was a need to be able to go an inspect if there was a complaint. Mr. Hills had the understanding that the Commissioners already could come to inspect. Ms. Barnhill had no objections, but pointed out that they are on a limited amount of time and that a decision has to be made by July 24th or it will be automatically approved. Attorney Skinner stated that that was the next Commissioner meeting in two weeks. Commissioner Phillippe was concerned that there was not enough time for the attorneys to get it done. Attorney Skinner said they can put something together and thought it could be done in time. He will get with the attorney for the APC. Dan Saylor made a motion to table to July 24th. Bob Johnson seconded the motion. The motion carried 3-0.

STREET CONSTRUCTION PLANS PP-23-08 NORTH WARRICK INDUSTRIAL PARK

Last for the evening, Ms. Barnhill presented Street Construction Plans for PP-23-08, North Warrick Industrial Park, Section 5. The petitioner/owner is Warrick County Redevelopment Commission by Steve Roelle, Executive Director, Industrial Park Holdings, LLC by Eric Reffett, Member. It's approximately 177.56 acres located on the north side of Industrial Park Drive and approximately 1,320 feet east from the intersection formed by Industrial Park Drive and State Road 57 in Greer Township 7 & 18-4-9. It was advertised in the Standard on June 29, 2023. The street plans were previously approved with the original primary plat on June 13, 2007. The County Engineer has signed off on the request.

Jeremy Elrod with Morley and Associates was present to discuss the project and answer any questions. He said they are basically wanting to ask for a delayed road improvement. They are needing 30 feet of extra road and asking that the requirement not be part of the platting process, but that it be required for the development of Lot 4 and then Lot 4 would not be able to obtain their certificate of occupancy until the road is constructed.

Mr. Sherwood, Assistant Highway Superintendent, stated that the Highway Superintendent, Bobby Howard, had already signed off to the effect that the 30 feet can be constructed at that time.

Ms. Barnhill said that Lot 4 has enough frontage required as part of the subdivision.

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

(PP-23-08 is located on Pages 4 through 6 of these Official Minutes)

ACTION AGENDA APPROVAL OF MINUTES MAY 22, 2023

Minutes for the June 26, 2023 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.

COUNTY ADMINISTRATOR CONSENT AGENDA

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

- County Auditor Claims Voucher - Report Date 07/05/2023
- Payroll Voucher 06/30/2023
- Keller Schroeder Nutanix Server Replacement Quote
- Clerks Monthly Report May 2023

There was no discussion. Commissioner Bob Johnson made the motion to approve the items on the Consent Agenda. Commissioner Day Saylor seconded the motion. The motion carried 3-0.

(Claims are located on Pages 6 through 8 of these Official Minutes)

(Payroll is located on Page 9 of these Official Minutes)

(Nutanix Quote is located on Pages 9 through 10 of these Official Minutes)

(Clerk's Report is located on File in the Auditor's Office)

COUNTY ATTORNEY

Attorney Skinner had nothing to present at today's meeting.

**COUNTY ENGINEER/HIGHWAY
WARRICK COUNTY BRIDGE 200 6F CONVERSION COMMITMENT AGREEMENT**

Assistant County Engineer/Highway Superintendent Steve Sherwood was present for County Engineer Bobby Howard. First he presented the Bridge 200 6F Conversion Commitment Agreement. He stated that this agreement is necessary to allow for INDOT and the Federal Highway to complete the National Environmental Policy Act Document for the bridge project to be able to appraise the right-of-way within the 6F property required for the project to complete the 6F conversion process. Bridge 200 is on Little Pigeon Creek which borders Spencer County. This is to keep the bridge in its current location minimizing the right-of-way impact and the need to acquire any additional amount of right-of-way which is surrounded by wetlands and minimize the wetland mitigation with DNR. This is part of the Federal Aid paperwork that has to be signed. The project cannot move forward without the approval of the Commissioners.

Commissioner Bob Johnson made the motion to approve. Commissioner Day Saylor seconded the motion. The motion carried 3-0.

(Bridge 200 6F Conversion Commitment Agreement is located on File in the Auditor's Office)

**BRIDGE 200 RIGHT-OF-WAY SERVICES AGREEMENT
LOCHMUELLER GROUP**

Next, he presented the Bridge 200 Right-of-Way Services Agreement. Lochmueller Group was previously approved as part of the design process to be the right-of-way engineer for the project. This contract will allow Lochmueller to move forward with the right-of-way design and purchasing when they get to that point. It's a standard contract and has been reviewed by the County Attorney. It will be Lochmueller's standard fees, but they don't know what that amount is yet because it has not been designed.

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

(Lochmueller Bridge 200 ROW Service Agreement is located on File in the Auditor's Office)


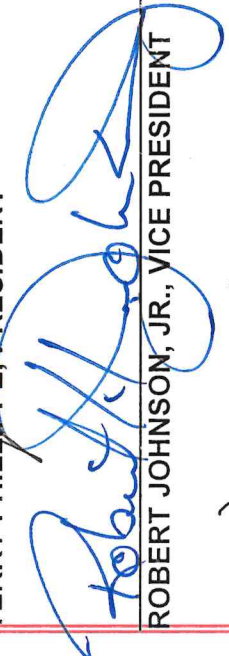

PEABODY COAL – SEVEN HILLS ROAD RUA VIOLATION

Mr. Sherwood wanted to report to the Board that Peabody Coal has violated their Seven Hills Road RUA process. They were caught hauling overweight vehicles down the public roadway and over Bridge 43 and Bridge 44. There was an email sent to the Commissioners notifying them of this violation. They have promised to cooperate fully and pay for any damages that they may have caused.

ADJOURNMENT

The next Warrick County Commissioners' meeting will be held on Monday, July 24, 2023 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 4:43 P.M.

WARRICK COUNTY BOARD OF COMMISSIONERS


 TERRY PHILLIPPE, PRESIDENT

 ROBERT JOHNSON, JR., VICE PRESIDENT

 DAN SAYLOR, MEMBER

ATTEST:

 MICHAEL J. DIETSCH, AUDITOR
 WARRICK COUNTY, INDIANA

WARRICK COUNTY, INDIANA
Board of County Commissioners
Court House
Boonville, IN 47601

**Certificate of Compliance – North Warrick Industrial Park Section 5
Plan and Specifications – Street Construction**

Submission Date: June 19, 2023
Probable Start Construction: July 2023
Probable Finish Construction: July 2023
Project Location: Property located North of Industrial Park Drive approximately 1,320 feet east of the intersection of State Road 57 and Industrial Park Drive.

Describe in detail type of street construction:

0 LF of 30' (Back-of-Curb to Back-of-Curb) roadway consisting of twenty-six (26) feet of concrete pavement or asphalt pavement with two (2) foot wide curb and gutter along each side. It shall have:

- | | | | | |
|---------------------------|-------|----|-------|---------------------------|
| 1) Concrete Pavement | ----- | Or | ----- | Asphalt Pavement |
| 2) 6" Concrete Pavement | | | | 1) Surface Type B |
| 3) 4" Granular Base - #53 | | | | 2) 2" HAC binder - #53 |
| | | | | 3) 4" granular base - #53 |
| | | | | 4) 4" granular base - #8 |

Approximate 30' roadway extension shall be completed by the owner of Lot 4 as part of the development process.

All storm sewers shall be High Density Polyethylene (HDPE), or Re-inforced Concrete Pipe (RCP) where specified.

All earthwork shall be compacted to 95% standard proctor.

Lawn area within the roadway right-of-way and all drainage ditches and swales to be seeded.

TOTAL Streets - \$0
TOTAL Signs - \$0
TOTAL Miscellaneous - \$0
TOTAL Storm Sewer - \$0
TOTAL Sidewalks - \$0

FILED
JUN 21 2023
WARRICK COUNTY
AREA PLAN COMMISSION

J:\12000A\12100-12199\12126\Civil 3D\Documents\Primary\12126 Primary Plat Certificate of Compliance - WCRC - Rev 01.docx Page 1

I, the Owner of the above-named subdivision certify that the information given above is correct and I will build all named streets accordingly and in compliance with the plans and specifications as submitted and attached hereto.

Owner name: Steve Roelle – Executive Director, Warrick County Redevelopment Commission
Signature: _____
Address: 4763 Rosebud Lane, Suite C, Newburgh, IN 47630

I certify that to the best of my knowledge and belief:

That these plans and specifications for this subdivision are in Compliance with the Standards for road and street construction as set forth in the subdivision Control Ordinance for Warrick County, Indiana.

That the plans and specifications as presented and attached hereto are under my dominion and control and were created by me and my employees.

Signature: _____
Typed Name James E. Morley
Engineer X Licensed Land Surveyor Ind. Reg. No. 10100250 Phone No. 812-464-9585
Address 4800 Rosebud Lane, Newburgh, IN 47630 SEAL



I will perform reasonable and periodic inspection of this project during construction to determine that such construction is in accordance with the plans and specifications for this project as approved by the Board of County Commissioners, Warrick County, Indiana, and attached hereto.

Signature: _____
Typed Name James E. Morley
Engineer X Licensed Land Surveyor Ind. Reg. No. 10100250 Phone No. 812-464-9585
Address 4800 Rosebud Lane, Newburgh, IN 47630 SEAL



J:\12000A\12100-12199\12126\Civil 3D\Documents\Primary\12126 Primary Plat Certificate of Compliance - WCRC - Rev 01.docx Page 2
FILED
JUN 21 2023
WARRICK COUNTY
AREA PLAN COMMISSION

Reviewed By: Area Plan Commission

Date: 7/10/23 Comments Review Plans OK
Approved for this date. All work has been reviewed and OK.

Reviewed By: County Engineer

Date: 6/21/23 Comments _____

Approval granted by the Board of County Commissioners this 19 day of June, 2023.

By: _____
President
Member
Member

Attest: _____
County Auditor

Additional Space for Comments:

Four (4) Copies of the Certificate of Compliance accompanied by four (4) copies of the plans shall be filed with the Board of County Commissioners for approval. The Board of County Commissioners and the County Engineer, Commission and the County Engineer. One Copy shall be retained by the Licensed Land Surveyor or Engineer and the property owner shall receive a copy.

FILED
JUN 21 2023
WARRICK COUNTY
AREA PLAN COMMISSION
J:\12000A\12100-12199\12126\Civil 3D\Documents\Primary\12126 Primary Plat Certificate of Compliance - WCRC - Rev 01.docx Page 3

WARRICK COUNTY, INDIANA
Board of County Commissioners
Boonville, IN 47601

Certificate of Compliance - North Warrick Industrial Park Section 5
Plan and Specifications - Street Construction

Submission Date: June 19, 2023
Probable Start Construction: JULY 2023
Probable Finish Construction: JULY 2023
Project Location: Property located North of Industrial Park Drive approximately 1,320 feet east of the intersection of State Road 57 and Industrial Park Drive.
Describe in detail type of street construction:
0. LE of 30' (Back-of-Curb to Back-of-Curb) roadway consisting of twenty-six (26) feet of concrete pavement or asphalt pavement with two (2) foot wide curb and gutter along each side. It shall have:
1) 6" Expanded Pavement
2) 4" Granular Base - #53
3) 2" Asphalt
4) 2" HMA Binder - base
5) 2" HMA Surface type 13
6) 4" Granular base - #18
Approximate 30' roadway extension shall be completed by the owner of Lot 4 as part of the development process.
All storm sewers shall be High Density Polyethylene (HDPE), or Re-inforced Concrete Pipe (RCP) where specified.
All earthwork shall be compacted to 95% standard proctor.
Lawn area within the roadway right-of-way and all drainage ditches and swales to be seeded.
TOTAL Streets - \$0
TOTAL Signs - \$0
TOTAL Miscellaneous - \$0
TOTAL Storm Sewer - \$0
TOTAL Sidewalks - \$0

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FILED
JUN 21 2023
WARRICK COUNTY
CLERK

I, the Owner of the above-named subdivision certify that the information given above is correct and I will build all named streets accordingly and in compliance with the plans and specifications as submitted and attached hereto.

Owner name: Eric Reffett - Member, Industrial Park Holdings LLC

Signature: [Signature]

Address: 2625 Katter Avenue, Evansville, IN 47715

I certify that to the best of my knowledge and belief:

That these plans and specifications for this subdivision are in compliance with the Standards for road and street construction as set forth in the Subdivision Control Ordinance for Warrick County, Indiana.

That the plans and specifications as presented and attached hereto are under my dominion and control and were created by me and my employees.

Signature: [Signature]

Typed Name: James E. Morley

Engineer: X Licensed Land Surveyor

Address: 4800 Rosebud Lane, Newburgh, IN 47630

Ind. Reg. No. 10100250

Phone No. 812-464-9585

SEAL



I will perform reasonable and periodic inspection of this project during construction to determine that such construction is in accordance with the plans and specifications for the project approved by the Board of County Commissioners, Warrick County, Indiana, and attached hereto.

Signature: [Signature]

Typed Name: James E. Morley

Engineer: X Licensed Land Surveyor

Address: 4800 Rosebud Lane, Newburgh, IN 47630

Ind. Reg. No. 10100250

Phone No. 812-464-9585

SEAL



J:\12000a\12100-12199\12129\Civil 3D\Documents\Primary\12129 Primary Plat Certificate of Compliance - Plan and Specifications - Page 2
FILED
JUN 21 2023
WARRICK COUNTY
CLERK

Reviewed By: Area Plan Commission Comments: _____
Date: _____

Reviewed By: County Engineer Comments: _____
Date: _____

Approval granted by the Board of County Commissioners this _____ day of _____, 20____.

Attest: _____
County Auditor

President
Member
Member

Additional Space for Comments:

Four (4) Copies of the Certificate of Compliance accompanied by four (4) copies of the plans and specifications for street construction shall be submitted to the Board of County Commissioners and the County Engineer. One Copy shall be retained by the Licensed Land Surveyor or Engineer and the property owner shall receive a copy.

FILED
JUN 21 2023
WARRICK COUNTY
CLERK
J:\12000a\12100-12199\12129\Civil 3D\Documents\Primary\12129 Primary Plat Certificate of Compliance - Plan and Specifications - Page 3



Products

Manufacturer	Product Details	Price	Qty	Ext. Price
Nutanix	New Section SUBSCRIPTION, NUTANIX CLOUD INFRASTRUCTURE (NCI) STARTER SOFTWARE LICENSE & PRODUCTION CPU CORE	\$1,369.98	36	\$49,319.28
Nutanix	TERM IN MONTHS	\$0.00	60	\$0.00
Nutanix	24/7 PRODUCTION LEVEL HW SUPPORT FOR NUTANIX HCI APPLIANCE	\$917.68	3	\$2,753.04
Nutanix	SUPPORT TERM IN MONTHS - 60Months	\$0.00	60	\$0.00
	Section Subtotal			\$52,072.32
Nutanix	New Section NX-1175S-G8, 1 NODE; 1X INTEL XEON-SILVER 4310 PROCESSOR (2.1 GHZ/ 12-CORE/ 120W, ICE LAKE) PER NODE	\$4,435.71	3	\$13,307.13
Nutanix	32GB MEMORY MODULE (3200MHZ DDR4 RDIMM)	\$141.23	24	\$3,389.52
Nutanix	8 TB 3.5" HDD	\$266.67	6	\$1,600.02
Nutanix	1.92 TB SSD	\$274.60	6	\$1,647.60
Nutanix	MELLANOX 25/10GBE, 2-PORT, NIC (MELLANOX CX6); TRANSCEIVER NOT INCLUDED	\$445.28	3	\$1,335.84
Nutanix	600 W POWER SUPPLY UNIT	\$258.14	6	\$1,548.84
Nutanix	C13/C14, 10A, 4FT POWER CORD	\$15.01	6	\$90.06
	Section Subtotal			\$22,919.01
	Subtotal:			\$74,991.33



WCC - Nutanix quote



Prepared by:
Keller Schroeder & Associates
Ty Eblen
(812) 492-7354
teblen@kellerschroeder.com

Prepared for:
Warrick County Commissioners
107 W. Locust St.
Boonville, IN 47601
Terry Philippe
(812) 897-6160
terry@warrickcounty.gov

Proposal Information:
Proposal #: 011923
Version: 1
Delivery Date: 06/29/2023
Expiration Date: 07/29/2023

Proposal Summary

Description	Amount
Products	\$74,991.33
Total:	\$74,991.33

Pricing subject to change at any time. Proposal does not include installation or any other service unless otherwise noted. Keller Schroeder Network Solutions Group (NSG) services are available on an hourly rate basis plus travel and expenses. Proposal assumes proper cabling is already in place. Pricing limited to quantities ordered. If the quantity is reduced the price is subject to change. Restocking fees WILL apply to any merchandise returned after 30 days.

***This document is a CONFIDENTIAL proposal and is solely intended for the use of the intended recipient. This document may not be shared with any other parties without written permission from Keller Schroeder.

Keller Schroeder & Associates

Warrick County Commissioners

Signature:
Name: Ty Eblen
Title: Select Account Manager
Date: 06/29/2023

Signature:
Name: Terry Philippe
Date: 7/5/23