

**WARRICK COUNTY BOARD OF COMMISSIONERS MEETING**  
REGULAR SESSION  
COMMISSIONERS MEETING ROOM  
107 W. Locust Street, Suite 303  
Boonville, Indiana  
August 23, 2021  
4:00 P.M.

The Warrick County Commissioners met in regular session in person with Terry Phillippe, President and Dan Saylor, Member. Robert Johnson, Vice President; was present via conference call. Attorney Todd Glass and Administrator Roger Emmons were in attendance.

Auditor Debbie Stevens and Secretary Kristine Georges attended and recorded the minutes.  
President Terry Phillippe called the meeting to order at 4:00 PM.

**PLEDGE OF ALLEGIANCE**

**AREA PLAN COMMISSION  
REQUEST TO RELEASE SURETY  
COMMERCIAL ENTRANCE C-2019-099**

**Commissioner Phillippe:** Okay, first order of business is APC.

**Molly Barnhill:** Okay, we have one (1) Request to Release Surety. It's Commercial Entrance permit number C-2019-099 by Martin and Bayley, INC. We're holding two thousand dollars (\$2,000.00) in escrow for entrance construction at 7288 Oak Grove Road. This is the Huck's entrance onto Fuquay Road. They've had one (1) year and the surety expires September 11, 2021. The County Engineer has visited the site and signed off on the request.

**Bobby Howard:** It has been constructed. Recommend approval.

**Commissioner Saylor:** Make a motion to approve the release of surety.

**Commissioner Phillippe:** Alright, Bob, I have a first, a motion on that.

**Commissioner Johnson:** Second.

**Commissioner Phillippe:** I have a first and a second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Johnson:** Aye.

**Commissioner Phillippe:** Aye. Motion carries three, zero (3-0). (This vote changed later in the meeting). Next item of business, and that's all, Molly?

**Molly Barnhill:** That's all I have.

**Commissioner Phillippe:** Thank you.

**Commissioner Saylor:** Thank you.

*(C-2019-099 is located on Page 12 of these Official Minutes)*

**ACTION ITEMS  
APPROVAL OF MINUTES  
AUGUST 9, 2021**

**Commissioner Phillippe:** Next item of business is the Approval of Minutes from August 9, 2021 meeting.

**Commissioner Saylor:** I make a motion to approve the minutes.

**Commissioner Johnson:** Second.

**Commissioner Phillippe:** I have a first and a second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Johnson:** Aye.

**Commissioner Phillippe:** Aye. Motion carries three, zero (3-0). (This vote changed later in the meeting).

**COUNTY ADMINISTRATOR  
JC NEW X-RAY MACHINE**

**Commissioner Phillippe:** Next item of business is our County Administrator.

**Roger Emmons:** Thank you, Mr. President. First is the Judicial Center New X-Ray Machine. And I emailed copies of what Terry provided to me from Point Security, INC. I sent that on August 17<sup>th</sup>. And Terry consulted with Sheriff Wilder and other folks and they agreed the updated estimates for a 6040-2IS refurbished high-resolution dual view x-ray



inspecting system. Should be accepted by the Commissioners at a cost of thirty-five thousand six hundred dollars (\$35,600.00). This is replacing a like for like at the security desk and we've been in need of this for quite some time.

**Commissioner Saylor:** Yeah, was just, what, a couple years ago, Roger, we had an appropriation, I think, from the Council to, to purchase a new one (1). And we did some repairs on it and got, got by.

**Roger Emmons:** That's correct.

**Commissioner Saylor:** So, the only question I have on the, and Lieutenant Waters, do you know this? On the refurbished machine, is that warranty the same as new?

**Lieutenant Brian Waters:** Yes, that's what he told me.

**Commissioner Saylor:** Okay. And is that service still done by the firm that's in like Georgia or someplace?

**Lieutenant Brian Waters:** North Carolina.

**Commissioner Saylor:** North Carolina, South. I knew it was south. Okay.

**Commissioner Phillippe:** And I would add that this is a like for like machine in that it's the same manufacturer. It is a different model. It is dual scan. And he also added that the refurbished is not a word to be afraid of. Because the only thing that's been replaced in the machine is the computer modules. Again, it's got the same warranty as a brand new machine. So, feel like it was vetted out pretty well.

**Commissioner Saylor:** So, do we need, is this, this is not the Consent, so we need a motion to approve?

**Roger Emmons:** Yes, Sir.

**Commissioner Saylor:** I make the motion to approve the purchase of the refurbished x-ray machine for the Judicial Center.

**Commissioner Johnson:** Second.

**Commissioner Phillippe:** Have a first and a second. All in favor?

**Commissioner Johnson:** Aye.

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries three, zero (3-0). (This vote changed later in the meeting).

**Commissioner Saylor:** I do have one (1) question. Did they give us a timeline on that installation?

**Roger Emmons:** I don't know.

**Commissioner Phillippe:** I feel like they did, but I can't tell you what it is.

**Roger Emmons:** Let me see. It doesn't say.

**Commissioner Saylor:** Lieutenant Waters, do you...?

**Roger Emmons:** Lexington, North Carolina.

**Commissioner Phillippe:** Certainly find that out fairly quickly.

**Commissioner Saylor:** Right.

**Commissioner Phillippe:** Yeah.

**Roger Emmons:** I'll see if it's in here.

**Commissioner Saylor:** So, Terry, who's going to notify them that this has been approved and, is that Roger calling them?

**Commissioner Phillippe:** I can do that.

**Commissioner Saylor:** Okay.

**Commissioner Phillippe:** I've been in contact with him.

**Roger Emmons:** Okay.

#### **JUDICIAL CENTER WEST SIDE DRAINAGE AND LANDSCAPE PROJECT**

**Roger Emmons:** Next item? Ready for that one (1)? This is for the west side Drainage and Landscape Project at the Judicial Center. And again, President Phillippe provided the three (3) quotes to me. One (1) from New Growth Landscapes and Irrigation, LLC, for thirty thousand eight hundred eighty-two dollars, fifty cents (\$30,882.50). Putnam Industries, thirty-four thousand two hundred seventy dollars ten cents (\$34,270.10). And Michael J. Couch Landscaping and Irrigation, thirty-eight thousand twenty dollars (\$38,020.00) even. And so New Growth has submitted the lowest quote at thirty-thousand eight hundred eighty-two fifty (\$30,882.50).



**Commissioner Phillippe:** Mr. Saylor, you interested in briefly describing what that project is. Because it addresses some problems at the Judicial Center.

**Roger Emmons:** It does, if I might interject, we've handled some liability exposure over there for years with the mud and then you've got the water draining down and freezing in the winter. We've had several falls, slip and fall accidents.

**Commissioner Phillippe:** Exactly.

**Roger Emmons:** That's what this project, especially the drainages, looking to cure.

**Commissioner Phillippe:** Correct.

**Commissioner Saylor:** We want to correct that. We want to correct some landscape issues there. We even talked about a little area there where we can maybe make a covered area for employees to take a break outside and that kind of thing rather than sitting on a picnic table that will probably pick nice clothes. But, that's just, again, like Roger said, in the winter time water runs down there and it freezes over and we've got to continue to put salt and ice melt down there. So, it's just something that's really been, been on the radar I know since I've been a Commissioner. So, we're finally getting, getting some things done to it.

**Commissioner Phillippe:** I'll entertain a motion to approve the low bid.

### **CORRECTION TO THE VOTING PROCEDURES**

**Todd Glass:** Mr. President, before we go any further, I didn't know, Commissioner Johnson wasn't going to be present today. But, I don't think he can vote unless he's on zoom and visible to the audience. And it has to be noticed as such. He can participate. But, all of his seconds, needs to be shown as you having seconded those motions today. And the two (2) of you would have to vote unanimously to approve any motions. I'm pretty sure that's the new law.

**Commissioner Phillippe:** Okay.

**Todd Glass:** Sorry.

**Commissioner Saylor:** Yeah, because we're not operating in our State of Emergency.

**Todd Glass:** No. Right. I think that's the new, we passed the new Resolution adopting the new state Statutes that allow for remote participation and voting in publicly noticed meetings. But, I think you actually have to be visible.

**Commissioner Phillippe:** Got it.

**Todd Glass:** Sorry.

**Commissioner Phillippe:** So, what do we need to do formally to handle the things we voted on prior to right now?

**Todd Glass:** Well, for going forward, the two (2) of you will have to make motions and second them and vote on them unanimously for them to pass. For the prior motions, I believe Bob just seconded a couple of the motions. You all voted unanimously for them so they pass.

**Commissioner Saylor:** So, it'd really be a two (2), so does Bob abstain? Or does he just not vote? Is that an abstention or...?

**Todd Glass:** Abstain.

**Commissioner Saylor:** Okay.

**Todd Glass:** And if you move to show that the prior seconds from Commissioner Johnson were made by Commissioner Phillippe that would be fine. Move it, second it, pass it.

**Commissioner Saylor:** Commissioner Johnson, did you hear all that?

**Commissioner Johnson:** Basically, just sit here and be quiet.

**Commissioner Saylor:** I know that's hard for you to do.

**Commissioner Phillippe:** I think it'd be (inaudible).

**Todd Glass:** He can certainly participate and let us know what his opinions are.

**Commissioner Phillippe:** Got it. Sounds like it would be appropriate for me to move that Commissioner Johnson's prior seconds are now my seconds.

**Todd Glass:** If you agree to let it be your seconds, yes, please.

**Commissioner Phillippe:** I agree.

**Todd Glass:** And a second. That's a motion.

**Commissioner Saylor:** Okay.

**Todd Glass:** From Commissioner Phillippe that needs a second.

**Commissioner Saylor:** Okay, I second that. Okay.



**Commissioner Phillippe:** All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

**Todd Glass:** Thank you.

**Commissioner Phillippe:** Now, we're lined out.

**Todd Glass:** Thank you.

### JC WEST SIDE DRAINAGE AND LANDSCAPE PROJECT CONTINUED

**Commissioner Phillippe:** Okay, so we're still on the Drainage and Landscape Project. And we can just proceed forward with that, correct?

**Todd Glass:** Um hum.

**Commissioner Saylor:** Do we need to do that by motion to approve the low...?

**Roger Emmons:** Yes.

**Commissioner Phillippe:** I think so.

**Commissioner Saylor:** Okay, so I make a motion to approve the Drainage and Landscape Project for the Judicial Center with, awarding it to our low bidder, New Growth Landscaping Irrigation, LLC.

**Commissioner Phillippe:** I'll second that motion. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

**Roger Emmons:** Thank you.

*(New Growth Drainage and Landscape Project is located on Page 12 through 13 of these Official Minutes)*

### DISCUSS ISSUES IN CONJUNCTION WITH COUNTY ROADS IN PEABODY MINING AREA RESOLUTION 2021-10

**Roger Emmons:** Next, Discuss Issues in Conjunction with County Roads in Peabody Mining Area, Seven Hills, Wasson, Weyerbacher, etcetera. Peabody Land Manager, Jim McKean is here and prior to the meeting, well, let me go down through here. One (1), I know Todd is going to present a Resolution regarding the Seven Hills, Wasson, Lily Pad Road stop sign situation. Prior to the meeting, Jim sent me paperwork for Items B and C. B, is the new equipment crossing on Seven Hills Road and C, is the relocation of an existing crossing on Wasson Road. Bobby and Todd have those over by them should they wish to review them. This wouldn't take, I don't believe, a new road usage cause it's just a crossing. It's not a, I mean, Bobby determined they were repetitive hauls. Are they both on gravel? Or just one (1) of them?

**Bobby Howard:** The amendments are both for gravel crossings.

**Roger Emmons:** Okay. And then, the fourth item is an alternate delivery route to preserve Weyerbacher Road pursuant to a new road usage agreement that's yet to be submitted. It would be covering Holder Hill, Mount Olive, and Seven Hills Roads. And the Counsel's working on drafting a new agreement for road usage form that will be reflective of the Commissioners new Weight Limit Ordinance. Then once we have that, Jim can take that form and submit that new road usage agreement. Correct, Jim?

**Jim McKean:** Correct. I've got some maps here for you guys.

**Roger Emmons:** If you would, come to the podium and identify yourself.

**Jim McKean:** Jim McKean, Peabody Energy or American Land Holdings.

**Roger Emmons:** Thank you.

**Jim McKean:** Absolutely. These are different versions of the same maps that some of you saw during our previous meeting where we kind of had a little brainstorm on these. Gonna kind of flip through these with you.

**Roger Emmons:** Thank you, Jim.

**Jim McKean:** So, the first map you see there is what Roger eluded to with the relocation of an existing crossing. This is on the gravel section of Wasson Road south of Seven Hills. We currently have a crossing that's about thirty-five hundred (3,500) feet south of its intersection of Seven Hills Road on Wasson. And we want to move that north about seventeen hundred (1,700) feet. So, it wouldn't be a new one (1). Just a relocation, so we have the paperwork that I provided to Roger earlier this afternoon is the amendment to the current crossing agreement. This current crossing is one (1) of five (5) in the original agreement. So, we amended or submitted an amendment for that original that now changes the legal description of that relocated crossing, relocated crossing. The next map is the next item and that's



Seven Hills Road which right now is currently a four (4) way controlled stop. And the proposal is to remove the east/west stops and maintain the north/south. And then that fourth map is the road usage agreement path or alignment that we will submit upon guidance from County Counsel with the new road usage agreement while taking the new Weight Ordinance into account. So, kind of a laundry list of things. So, pick it apart and we'll answer one (1) by one (1).

**Commissioner Phillippe:** I don't have any questions.

**Commissioner Saylor:** Bobby? You have, on the stop control signs, is that okay?

**Bobby Howard:** In regards to that, there's no issue there. Just the resolution needs to be adopted.

**Commissioner Saylor:** Okay.

**Bobby Howard:** And then prior to the change actually happening out there, we need to make sure that the cross traffic does not, stop signs are put up on the north/south, stop signs now too. Just so that people are aware when they get there that they don't expect the other side to stop.

**Commissioner Saylor:** Okay.

**Commissioner Phillippe:** So, in summary, what all are we approving here this evening? Just the Resolution?

**Bobby Howard:** I'd do the Resolution. B and C, you can probably approve subject to our review. And then D, we need to get that information to them on, in regards to the new road use agreement form, and then I think that Roger and I would be able to approve that as per our normal procedures.

**Roger Emmons:** Right.

**Jim McKean:** You guys will notice on the draft amendment for the new Seven Hills crossing, I left that bonding amount blank until we got some guidance on that.

**Bobby Howard:** Right. Yeah. We'll determine that while we're reviewing it and get back with you on what that needs to be.

**Commissioner Phillippe:** Approve the Resolution first?

**Commissioner Saylor:** So, I make the motion to approve the Resolution regarding Seven Hills and Wasson/Lily Pad Roads.

**Todd Glass:** That would be, we'd need a Resolution number.

**Kristine Georges:** It would be Resolution 2021-10.

**Todd Glass:** And that would be a Resolution of the Board of Commissioners of Warrick County, Indiana, establishing the placement of stop signs at the intersection of Seven Hills Road and Wasson Road/Lily Pad Road so that stop signs shall be placed so as to stop traffic traveling northbound and southbound on Wasson Road and Lily Pad Road as applicable. Further, stop signs currently located at the intersection of Seven Hills Road and Wasson Road/Lily Pad Road stopping east and westbound traffic on Seven Hills Road shall be removed.

**Commissioner Phillippe:** Okay, got a motion and I will second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

*(Resolution 2021-10 is located on Page 13 of these Official Minutes)*

**PEABODY ROAD USAGE AMENDMENT FOR WASSON ROAD, SEVEN HILLS ROAD, HOLDER HILL ROAD, WEYERBACHER ROAD, STANLEY ROAD**

**Todd Glass:** The amendment to the agreement for road usage on Wasson, Seven Hills, Holder Hill, Weyerbacher, and Stanley Roads and the agreement for road usage on Seven Hills Road, you may consider for approval subject to review if you wish.

**Commissioner Saylor:** I make that motion as stated by our Legal Counsel.

**Commissioner Phillippe:** I second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0). I believe that's it.

**Jim McKean:** I think so.

**Roger Emmons:** Yes.

**Commissioner Phillippe:** Thank you.

**Jim McKean:** Appreciate it, guys.

**Commissioner Saylor:** Thank you.



**Jim McKean:** Bobby, in regards to those sign changes on that four (4)-way. Do you want us to order and replace those signs? Or we go through your office for that for the cross traffic?

**Bobby Howard:** I think in the past, well, it's been a little of each one (1). Sometimes Peabody paid for that and did those and sometimes we did.

**Jim McKean:** We're happy to do it. Just want to make sure that (inaudible) location that it meets requirements.

**Bobby Howard:** I'd appreciate it if you could get that ordered and in and then our guys could actually install it once the material's there that way it's taken care of.

**Jim McKean:** Okay, I'll follow up with you off-line on that.

**Bobby Howard:** Okay, thank you.

**Jim McKean:** if that would work. Thank you.

**Commissioner Phillippe:** Thank you.

*(Peabody Road Usage Agreement is located on Page 14 of these Official Minutes)*

### **ERA FIRST ADVANTAGE REALTY REQUEST TO CLOSE TRIPLE CROWN DRIVE**

**Roger Emmons:** Last item I have underneath the Administrator is the ERA First Advantage Realty request to close Triple Crown Drive at State Route 66 for their Annual Pumpkin Give Away on October 22<sup>nd</sup>. And this didn't get on the consent agenda cause I, I didn't hear back from the Board about this. But, I received it via email August 19<sup>th</sup> from Angela Wilder on behalf of Janice Miller. Forwarded that to the Board the same day. It's scheduled for Friday afternoon. Runs from about 3:30 PM to 7:00 (PM). And in the past, Bobby's sign crew has dropped of cones and barricades. I don't recall any problems with this event. And Angela said that they'll, she'll get their certificate of liability insurance to me as soon as possible. So, it will be well before the October 22<sup>nd</sup> event.

**Commissioner Phillippe:** Bobby, any questions or comments?

**Bobby Howard:** No, I think we've done this every year. So, I have no objections.

**Roger Emmons:** That goes back a number of years.

**Commissioner Phillippe:** Alright.

**Commissioner Saylor:** I make a motion to approve the request to close Triple Crown Drive.

**Commissioner Phillippe:** And I'll second that motion. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

### **CONSENT AGENDA**

**COUNTY CLERK JULY 2021 MONTHLY REPORT - COUNTY AUDITOR CLAIMS  
VOUCHER REPORTS DATES 8/11/21-8/24/21 - PAYROLL DATE: AUGUST 16, 2021 -  
PANDEMIC RELIEF FUND REQUESTS - GRANT OF TEMPORARY ACCESS FOR  
UTILITY LATERAL RELOCATION IN CONJUNCTION WITH CITY OF BOONVILLE'S 3<sup>RD</sup>  
STREET IMPROVEMENT PROJECT - SR 68 BRIDGE OVER WALLACE CREEK  
UNOFFICIAL DETOUR - QUOTE FOR UPLINK 5500EZ ALARM COMMUNICATOR FOR  
NEW JUDICIAL CENTER GENERATOR - KORN FERRY TOUR CHAMPIONSHIP SIGN  
PLAN - WEIGHTS & MEASURES MONTHLY REPORT 07/16/21 - 08/15/21**

**Roger Emmons:** Okay, we've got the Consent Agenda next?

**Commissioner Phillippe:** Yes.

**Roger Emmons:** A and B, A is County Clerk July 2021 Monthly Report. And B, the County Auditor Claims Voucher Reports Dates, August 11<sup>th</sup> to August 24<sup>th</sup>. Payroll Date of August 16<sup>th</sup>. You've seen those. So, I'm going to comment about the rest of them if you'd like any additional information. The four (4) Pandemic Relief Fund Requests, I do have, there was another added with (Request) 21-47, just got today from EMA. And before the meeting, Councilman Richmond said he was okay with that should Commissioner Saylor wish to also approve that with him to be included with the Board's approval of (Request) 21, what is it, (Requests) 44-47? They're listed. And then the Grant of Temporary Access for the Utilities Lateral Relocation in conjunction with the City's 3<sup>rd</sup> Street Project. You've got all that information on August 11<sup>th</sup>. I would add that this is on a County-owned parcel which Terry and I discussed. And he's recommending the Board dispose of it because it's of no real use to the County. And we have a gentleman, the property owner to the north, part of his driveway is encroaching on the County-owned property. So, that would be up to Todd to advise us on the proper disposal and how we can do that. So, the Memorandum of Understanding with INDOT for the State Road 68 Bridge over Wallace Creek, Terry and Dan already signed that. So, that one's good to go. And then you've got your quote for Uplink 5500 EZ Alarm Communicator for the new Judicial Center generator. I sent you information August 16<sup>th</sup> about the wireless module, two hundred eighty-five dollars (\$285.00). Installation during start-up at five hundred (\$500.00). A separate trip would have been seven-ninety-five (\$795.00). And then the yearly uplink



approved two to one (2-1) by consensus. Commissioner Johnson was opposed to that. And then I have one (1) other item for information if the Board wants to ratify the consent items.

**Commissioner Phillippe:** The items at hand are the Consent Items for now.

**Roger Emmons:** Yes.

**Commissioner Phillippe:** Commissioner Saylor?

**Commissioner Saylor:** I make a motion to approve the Consent Items on the Agenda as presented.

**Commissioner Phillippe:** I'll second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

**Todd Glass:** Mr. President, the motion intend to include Pandemic Relief Request 21-47? If so, we need to know if Mr. Saylor approved that.

**Commissioner Phillippe:** I think that was one (1) that was discussed. So, my assumption is yes.

**Roger Emmons:** This is the one (1), Dan, about the two (2) portable AC and heating units that...

**Commissioner Saylor:** Yeah, I'm good with that. I couldn't remember what (Request) 47 was. That's what I was looking up. Okay.

**Todd Glass:** Thank you.

**Commissioner Saylor:** What about Item 8, Weights and Measures Monthly Report? Did that get included in the Consent?

**Todd Glass:** Um hum. Yes.

**Commissioner Saylor:** Okay.

**Roger Emmons:** Yeah, I put up there that A, B, and H were self-explanatory. You had already received that report.

**Commissioner Saylor:** Correct.

- (County Clerk July 2021 Monthly Report is located on Page 15 of these Official Minutes)*
- (Certified Claims in the amount of \$5,164,565.28 are located on Pages 15 through 18 of these Official Minutes)*
- (Non-Certified Claims in the amount of \$482,746.28 are located on Page 18 of these Official Minutes)*
- (Payroll in the amount of \$514,266.71 is located on Page 19 of these Official Minutes)*
- (Pandemic Relief Fund Requests is located on Page 19 of these Official Minutes)*
- (State Road 68 Bridge Unofficial Detour is located on Page 20 of these Official Minutes)*
- (Uplink Alarm Communicator Quote is located on Page 21 of these Official Minutes)*
- (Weights & Measures Monthly Report is located on Page 21 of these Official Minutes)*

**WATER LINE EASEMENTS FOR THE CITY OF BOONVILLE**

**Commissioner Phillippe:** So, on the easements, the other items for discussion there, the easements...

**Roger Emmons:** You want me to cover that?

**Commissioner Phillippe:** Yep.

**Roger Emmons:** We received, well, Mayor Wyatt's Zoning Administrator, Sarah Howard, she sent an email to me August 17<sup>th</sup>. There were two (2) easements attached. One (1) is a County-owned parcel and the other is in the Warrick County Council on Aging property, the Senior Citizens Center. And these are extensively for the location of the new City water line near the 4-H Center. I sent those to the Commissioners and Counsel and Engineering. I haven't received any feedback regarding those.

**Commissioner Phillippe:** Bobby, do you have any comment, thoughts on that?

**Bobby Howard:** I'm not aware of what the project is exactly.

**Commissioner Phillippe:** Water lines...

**Bobby Howard:** But, it's going through our County property from the Town and not up the roadways or anything?

**Commissioner Phillippe:** I think, I think part of what you got that's going to be in the way is the eastern-most (inaudible) area on the east side of, what is it, Roth Road?

**Bobby Howard:** I haven't seen the map. I don't think...



**Commissioner Phillippe:** So, from basically along Roth Road the entire length from (Hwy) 62 to...

**Roger Emmons:** Yeah, they didn't provide a map or legal description.

**Commissioner Phillippe:** (Inaudible).

**Bobby Howard:** They believe that they're outside of the road right-of-way and have room to put a water line along the east side of Roth? Or along the west side of Roth?

**Commissioner Saylor:** West, yeah, it'd be west.

**Commissioner Phillippe:** West side.

**Bobby Howard:** East side of our property, west side of Roth, I don't know where a line would fit in there.

**Roger Emmons:** Says it's a twenty (20) foot strip of even width.

**Bobby Howard:** (Inaudible) there's no (inaudible) fences.

**Commissioner Saylor:** You're within twenty (20) feet of the road. I know the fence is. I think probably the structure is too. You think that's more than twenty (20) feet off the edge of that road?

**Bobby Howard:** It's close. I mean we have a fence right there at the right-of-way. I don't see...

**Roger Emmons:** These easements were prepared by City Attorney Mark Phillips.

**Bobby Howard:** But, there was no plats with them that show the easement areas?

**Roger Emmons:** No.

**Bobby Howard:** I think you'd want to ask for those locations.

**Roger Emmons:** Okay.

**Commissioner Phillippe:** We didn't receive drawings?

**Roger Emmons:** All they sent was the, the actual easement with legal description.

**Commissioner Phillippe:** Oh.

**Roger Emmons:** Perpetual and temporary right-of-way easement.

**Bobby Howard:** Have you seen a drawing then?

**Commissioner Phillippe:** No, I just assumed they sent it. So, we can table this?

**Roger Emmons:** Certainly.

**Commissioner Saylor:** I make a motion to table the easements for the City of Boonville's water line.

**Commissioner Phillippe:** I'll second. And all in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

**Roger Emmons:** Did you make a motion to ratify the Consent Agenda?

**Commissioner Phillippe:** Yes.

#### **EMS FIXED ASSET NOTIFICATION FORMS – PORTABLE HEATING AND AIR UNITS**

**Roger Emmons:** Alright. If you would, in conjunction with the (Request) 21-47, I have this fixed asset notification form you might want to approve by motion.

**Commissioner Phillippe:** Okay, make a motion to approve the fixed asset notification form?

**Commissioner Saylor:** I make a motion to approve the fixed asset notification form for our two (2) portable heating and air units.

**Commissioner Phillippe:** Very good. And I will second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

**Roger Emmons:** Thank you, Mr. President.

**Commissioner Phillippe:** Thank you, Roger.



**COUNTY ENGINEER/HIGHWAY  
SAFE ROUTES TO SCHOOL CHANGE ORDER 3**

**Bobby Howard:** I have two (2) change orders. I didn't know, I got them before, after the agenda was set. But...

**Commissioner Phillippe:** Gotcha.

**Bobby Howard:** For the Safe Routes to School Project, Change Order 3, in the amount of forty-one hundred dollars (\$4,100.00) even. And this is a time extension due to a delay, utility delay. CenterPoint Energy gas relocation and then also material proof (inaudible) delays. So, this is an adjustment of days for the completion date to be basically 11-24-2021 and the, for that's the intermediate and then 05-09-2022 is the completion date and that's just because you're not, you have to add any days after November 20<sup>th</sup> to April 1<sup>st</sup> 2022 because that's the time that they're not considered working. So, that adjustment of days on there is part of this. And then the forty one hundred dollars (\$4,100.00) for supporting documents for construction engineering fees. Because the contractor had to do multiple surveys to readjust GPS modeling based on information that was given to them by the designer. So, I would like to approve this Change Order but also discuss further with the designer as far as to see if we can recoup some of that if there was an issue with the design plan.

**Commissioner Saylor:** Bobby, what was that Change Order number?

**Bobby Howard:** 3.

**Commissioner Saylor:** 3, okay. Sorry, I didn't get that down. I'll make a motion to approve the Safe Routes to School Change Order for forty-one hundred dollars (\$4,100.00).

**Commissioner Phillippe:** I will second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

*(Safe Routes to School Change Order 3 is located on Pages 22 through 23 of these Official Minutes)*

**SAFE ROUTES TO SCHOOL CHANGE ORDER 4**

**Bobby Howard:** Next is Change Order 4. This is a credit to the project of four hundred sixty-one dollars and forty-three cents (\$461.43). We've changed some of the time table and materials and how we were closing the roadway and we were able to eliminate some flagging and expedite the widening along Casey Road. The objective there was to be open as soon as possible because they got the late start because of the utility delays. We didn't want to interfere with school, the least amount of time as possible.

**Commissioner Phillippe:** Makes sense.

**Commissioner Saylor:** Make a motion to approve Change Order 4.

**Commissioner Phillippe:** I'll second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0). That's all, Bobby?

**Bobby Howard:** That is all I have. Thank you.

*(Safe Routes to School Change Order 4 is located on Pages 23 through 25 of these Official Minutes)*

**COUNTY ATTORNEY  
SECOND AMENDMENT TO LEASE AGREEMENT WITH CHANDLER FOR EMS STATION**

**Commissioner Phillippe:** Counsel?

**Todd Glass:** Yes, I have two (2) items remaining. The first one (1) would be a second amendment to the lease agreement with the Town of Chandler regarding the Chandler EMS Station. Mr. President, you'll remember, here's copies if you like, you'll remember, we amended this lease agreement a month or so ago to update it in light of current events. And this is a simple second amendment to that lease agreement referencing the parcel as Lot 2. And when we did the first amendment, that had, that plat had not been recorded yet. It was anticipated that it would be recorded, you'll see in the last page there, the larger main parcel is being sold by the Town. That is what has triggered our option to purchase the corner lot there. The corner lot there is now officially Lot 2. So, this second amendment to the lease simply refers to the lease premise as Lot 2 accurately. And with your motion and approval, we'll enter into that second amendment making that one (1) correction. And that is to the lease only.

**Commissioner Saylor:** I make that motion to approve the amendment to the lease agreement with Chandler EMS Station.

**Commissioner Phillippe:** And I will second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two to zero (2-0).



**Todd Glass:** Thank you.

*(Chandler Lease Amendment is located on Pages 25 through 26 of these Official Minutes)*

**APPROVAL OF REAL ESTATE PURCHASE AND SALE AGREEMENT  
WITH CHANDLER FOR EMS STATION LAND  
RESOLUTION 2021-11**

**Todd Glass:** And then the other, secondly, perhaps more importantly is Resolution 2021-11, which is a Resolution of the Board of Commissioners of Warrick County, Indiana, approving the Real Estate Purchase and Sale Agreement for that same parcel which is 510 North State Street, Chandler, Indiana. And the Town of Chandler Council approved this similar Resolution at its meeting last week approving the Purchase and Sale Agreement. We negotiated this purchase and sale agreement, Mr. President, with Counsel for the Town. And it is in order for the County to purchase that Lot 2 now for one dollar (\$1.00) under the lease option. And also, this Resolution provides that the Commissioners will sign the Real Estate Purchase and Sale Agreement just like the Town Council has. We'll hold those signatures in escrow until the abutting parcel, the larger parcel actually closes, which should be the first of September. And as soon as that closes, that puts all of this in motion and the Real Estate Purchase and Sale Agreement will be exchanged, all signature pages will be exchanged between the County and the Town at that time. And soon thereafter, we'll close on the purchase. This purchase agreement and proposed deed also provides of course this is for the exclusive use that parcel as the EMS Station. But, if for any reason the County in the future does not use that property for an EMS Station, you notify the Town of what your intended use of that parcel is. They have a right if they don't like your decision as far as what you're going to use it for, other than an EMS Station, they have a right to purchase that back for fair value under the State Statutes.

**Commissioner Phillippe:** Got it.

**Todd Glass:** So, we thought that was a fair clause in both the Purchase and Sale Agreement and the deed. So, the Resolution is for the Board of Commissioners find that the purchase of the property, Lot 2, is in the County's best interest and that the purchase of the property is hereby approved. But, the Board approves the Purchase and Sales Agreement that is attached to this Resolution upon the closing of the conveyance of the abutting parcel by Chandler. The President of the Board of Commissioners shall execute the Purchase and Sale Agreement. Once delivered by Chandler and Warrick County shall proceed to undertake further acts of maybe reasonably necessary in connection with the transaction contemplated by the Purchase and Sale Agreement. That Resolution is ready for your motion and approval and signature approving the purchase of Lot 2.

**Commissioner Saylor:** I make a motion to approve Resolution 2021-11.

**Commissioner Phillippe:** And I will second. All in favor?

**Commissioner Saylor:** Aye.

**Commissioner Phillippe:** Aye. Motion carries two, zero (2-0).

**Todd Glass:** Thank you, Mr. President.

*(Resolution 2021-11 is located on Pages 27 through 28 of these Official Minutes)*

**COUNTY SHERIFF**

**Commissioner Phillippe:** Sheriff isn't here. I assume he has nothing.

**Roger Emmons:** What's that?

**Commissioner Phillippe:** I said, the Sheriff isn't here. I assume he has nothing.

**COMMISSIONER ITEMS FOR DISCUSSION**

**Commissioner Phillippe:** Mr. Saylor?

**Commissioner Saylor:** I have nothing.

**Commissioner Phillippe:** Mr. Johnson, anything to add?

**Commissioner Johnson:** No, Sir.

**Auditor Stevens:** May I address the Board? On Ordinance 28...2021-28 passed at your last meeting?

**Commissioner Phillippe:** Counsel?

**Todd Glass:** You can have anybody address the Board. But, if the Auditor has any legal questions about it, she can just call me and we can talk about it.

**Commissioner Phillippe:** Okay.



Auditor Stevens: I sent you an email.

Todd Glass: Yes, I did get it.

Auditor Stevens: Okay.

Commissioner Phillippe: Okay. We'll let the Counsel handle that, offline.

Commissioner Saylor: I make a motion to adjourn.

Auditor Stevens: You passed the Ordinance in a public meeting.

Commissioner Phillippe: Okay.

Auditor Stevens: I believe parts of it to be unlawful.

Todd Glass: Well, you can hold that opinion. If you'd like to discuss that opinion with me, I'd be happy to talk about it.

Auditor Stevens: That's fine. We can do that.

Commissioner Phillippe: I have a motion to adjourn. I'll second. All in favor?

Commissioner Saylor: Aye.

Commissioner Phillippe: Aye. Motion carries two, zero (2-0).

ADJOURNMENT: Meeting adjourned at 4:37 P.M.

WARRICK COUNTY BOARD OF COMMISSIONERS

TERRY PHILLIPPE, PRESIDENT

ROBERT JOHNSON, JR., VICE PRESIDENT

DAN SAYLOR, MEMBER

ATTEST:

DEBORAH K. STEVENS, AUDITOR  
WARRICK COUNTY, INDIANA

Minutes transcribed by Kristine Georges















EMAILED TO 3  
 HEATHER E. SUGER  
 7-13-21  
 MONTHLY REPORT-CLERK OF THE CIRCUIT COURT 07/13/21 14:41:14

WARRICK COUNTY  
 MONTHLY REPORT-CLERK OF THE CIRCUIT COURT 07/13/21 14:41:14  
 CHARGES: (Daily Balance Record)  
 1: FEES PAYABLE TO THE STATE \$5772.99  
 2: FEES PAYABLE TO THE COUNTY \$10.00  
 3: FEES PAYABLE TO CITY OR TOWN \$151032.26  
 4: TRUST BONDS \$4340.00  
 5: CHIEF CLERK SUPPORT COLLECTIONS \$2408.49  
 6: RESOLUTION TRUST \$10.00  
 7: TOTAL CHARGES \$2092729.30

RECEIVED  
 JUL 13 2021  
 WARRICK CO. AUDITOR

8: CREDITS (Daily Balance Record)  
 9: PEOPLE'S BANK SAVINGS \$2090013.51  
 10: OLD NATIONAL BANK \$10.00  
 11: Subtotal: Daily Balance Record (46) (LINES 8-11) \$2090013.51  
 12: ASSETS Monthly Clerk's Support Record (246MCR) \$2715.79  
 13: TOTAL DEPOSITORY BALANCES AS SHOWN BY RECORDS \$2092729.30  
 14: Cash in Office at Close of Business Last Day of Month \$150.00  
 15: TOTAL \$2092879.30  
 16: CASH IN OFFICE AT CLOSE OF BUSINESS \$150.00  
 17: CASH LONG (deduct) \$2092729.30  
 18: PROOF (Line 7) \$2092729.30

DEPOSITORY RECONCILEMENT  
 21: Balance in all depositories (bank schedule) \$2337964.57  
 22: Deduct outstanding checks (from schedule) \$247545.08  
 23: Deposits in transit \$25608.00  
 24: Bank fees \$10.00  
 25: Misc Adjustments (explain fully) \$221.04  
 26: Adjusted Deposits \$25695.00  
 27: Balance in all depositories (line 14) \$2092729.30  
 28: PROOF \$2092729.30

I, the undersigned, Clerk of the Circuit Court in Warrick County, Indiana, do hereby certify that the foregoing report is true and correct to the best of my knowledge and belief and as appears of record now on file in this office.

FILED  
 JUL 13 2021  
 CLERK WARRICK COUNTY

Note: Prepare a deposit slip for each month not later than 25th day of each month

Warrick County Claims for Payment - Monday, August 23rd, 2021

80100001	Warrick County	1000.00	WARRICK COUNTY
80100002	Warrick County	1000.00	WARRICK COUNTY
80100003	Warrick County	1000.00	WARRICK COUNTY
80100004	Warrick County	1000.00	WARRICK COUNTY
80100005	Warrick County	1000.00	WARRICK COUNTY
80100006	Warrick County	1000.00	WARRICK COUNTY
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Warrick County Claims for Payment - Monday, August 23rd, 2021

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**INDIANA DEPARTMENT OF TRANSPORTATION**

Vincennes District  
3050 S. US Hwy 41  
Vincennes, Indiana, 47501

PHONE: (812) 895-7336  
FAX: (812) 895-7474

Eric Holcomb, Governor  
Joe McGuinness, Commissioner

August 11, 2021

Warrick County Commissioners  
107 W. Locust Street, Suite 301  
Boonville, IN 47601

RE: Memorandum of Understanding  
Unofficial Detour on Local Roads  
Bridge Replacement on SR 68

Dear Warrick County Commissioners:

Reference is made to discussions with representatives of Vincennes District staff regarding the Bridge Replacement on SR 68, 0.95 miles E of SR 161.

As discussed, it has been determined that a detour involving County Roads will be necessary while said work is underway. As per the attached map, the Unofficial Detour will be as follows: West on Chinn Rd from the Spencer County Line to CR 1125 E, then North on CR 1125 E to SR68. The detour is in accordance with IC 8-23-21.

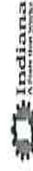
State Road 68 will be closed by INDOT for approximately 90 days. INDOT will set up and maintain the necessary traffic control for the Official Detour route or arrange with others to furnish the necessary items.

The Indiana Department of Transportation agrees to reimburse Warrick County for costs related to damage repair on the listed Unofficial Detour. Reimbursable work must be approved by INDOT prior to the completion of any work. All reimbursable expenses must be documented. Once the District has agreed to the documented expenses, INDOT and Warrick County must execute an agreement that indicates those expenses. This should be done once the INDOT Official Detour is eliminated.

If terms of this letter are acceptable to you, we would appreciate your concurrence as soon as practical. Please sign this Memorandum of Understanding and return it to the following address:

Matthew Bullock  
Indiana Department of Transportation  
3050 S. US Hwy 41  
Vincennes, IN 47501

[www.in.gov/indot](http://www.in.gov/indot)  
An Equal Opportunity Employer



**INDIANA DEPARTMENT OF TRANSPORTATION**

Vincennes District  
3050 S. US Hwy 41  
Vincennes, IN 47501

PHONE: (812) 895-7336  
FAX: (812) 895-7474

Eric Holcomb, Governor  
Joe McGuinness, Commissioner

Accepted on Behalf of  
Warrick County

Mr. Bob Mittlebe  Date 08/16/2021

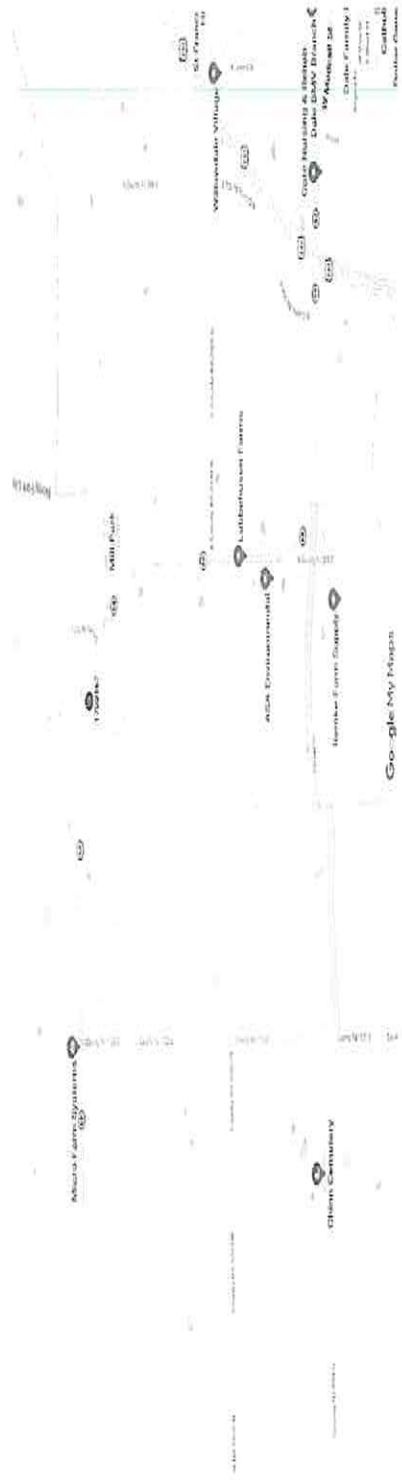
Mr. Dan Saylor  Date 08/12/2021

Mr. Robert Johnson \_\_\_\_\_ Date \_\_\_\_\_

Accepted, Indiana Department of Transportation

Rusty A. Fowler, PE \_\_\_\_\_ Date \_\_\_\_\_  
Deputy Commissioner  
Vincennes District

[www.in.gov/indot](http://www.in.gov/indot)  
An Equal Opportunity Employer

















Contract No:R -38918 INDIANA Department of Transportation Change Order No.: 004 Page: 1

Construction Change Order and Time Extension Summary

Contract Information District:VINCENNES DISTRICT Contract No.: R -38918 Letting Date:02/10/2021 Status:Draft AE:Houghland, Karl PE/S:Craig, Joshua

Change Order Information Date Generated: 00/00/0000 Change Order No.: 004 EWA: Y or Force Acct: N Description: MAINTENANCE OF TRAFFIC REVISIONS FOR LINES TR-A1 and TR-A2 Date Approved: 00/00/0000 Original Contract Amount: \$ 960,344.00 Percent: -0.048 % Total Change To-Date: \$ 9,555.52 Percent: 0.995 % Modified Contract Amount: \$ 969,899.52 Percent: 0.947 %

Time Extension Information Date Completed 00/00/0000 Date Initiated 00/00/0000 SS Completion Date 00/00/0000 or SS Calendar/Work Days 0 Original Contract Time SP Date 00/00/0000 or SP Days (SS = Standard Specification, SP = Special Provision)

Time Element Description: Current Time Extension Previous Time Approved Revised Contract Time

Contract No:R -38918 INDIANA Department of Transportation Change Order No.: 004 Page: 2

Construction Change Order and Time Extension Summary

Review and Approval Information Required Approval Authority (\$ per Change Order) (Days per Contract) Verbal Approval Required? Total Change To-Date>5%? Scope/Design Recommendation Required?

Approval Authority Concurs with PM? LPA Signatures Required? FHWA Signatures Required? Field Engineer Recommendation (Required for SCE or DDCM Approval)

Comments: AE: (-LE \$ 250K-) (-LE \$ 750K-) (-LE \$ 2 M -) (-GT \$ 2 M -) (50 SS days) (100 SS days) (200 SS days) { GT 200 SS days} DCEI: SCE: DDCM: Y/N If Y, by Date Issued Y/N If Y, Copy to Program Budget Manager. Y/N If Y, Referred to Project Manager(PM) Date to PM Date Returned Y/N If Y, Concurrence by Date Y/N Resolution: Approved Disapproved Resolved by Date Y/N If Y, Date to LPA Date Returned Y/N If Y, Date to FHWA Date Returned

Contract No:R -38918 INDIANA Department of Transportation Change Order No:004 Date:08/09/2021 Page: 3

Contract: R -38918 Department of Transportation Date:08/09/2021 Page: 3 Change Order Nbr: 0042154 - State:159215400LC6 Change Order Description: Maintenance of Traffic Revisions for Lines TR-A1 and TR-A2 Reason Code: ERRORS & OMISSIONS, Design/Plan Related

Table with columns: CLN, PGN, Item Code, Unit, Unit Price, Quantity, Amount, Amount Change. Rows include items like CONSTRUCTION SIGN, BARRICADE, ROAD CLOSURE SIGN ASSEMBLY, MOT Kevlar, and MAINTAINING TRAFFIC.

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended. General or Standard Change Order Explanation

During the July 22, 2021 progress meeting it was discussed that there was not enough room for 2-way traffic on lines TR-A1 and TR-A2, along with the 2-way traffic on lines TR-A1 and TR-A2. A revised Maintenance of Traffic Plan was then prepared and submitted to the Warrick County Board of Commissioners for their review and approval. A revised Maintenance of Traffic Plan was then prepared and submitted to the Warrick County Board of Commissioners for their review and approval. A revised Maintenance of Traffic Plan was then prepared and submitted to the Warrick County Board of Commissioners for their review and approval.

It is the intent of the parties that this change order is full and complete compensation for the work described above. Notification and consent to this change order is hereby acknowledged. Contractor: Signed By: Date:



Contract No:R -38918  
Change Order No:004

INDIANA  
Department of Transportation

Date:08/09/2021  
Page: 4

NOTE: Other required State and IPIWA signatures will be obtained electronically through the SiteManager system.

Change Order 4 is located on file in its entirety in the Auditor's Office.

**SECOND AMENDMENT TO LEASE AGREEMENT**

THIS SECOND AMENDMENT TO LEASE AGREEMENT (this "Amendment"), is made and entered into this 23<sup>rd</sup> day of August, 2021 (the "Effective Date"), by and between the TOWN OF CHANDLER, an Indiana political subdivision ("Landlord"), and WARRICK COUNTY, INDIANA, by, through its Board of Commissioners ("Tenant"). Landlord and Tenant are sometimes referred to hereinafter individually as a "Party" or collectively as the "Parties."

**WITNESSETH:**

WHEREAS, Landlord and Tenant are parties to a certain Lease Agreement dated as of August 23, 2010 (the "Lease"), as amended by that certain First Amendment to Lease Agreement dated June 9, 2021 (the "First Amendment") for certain property located at 510 North State Street, Chandler, Indiana, as more particularly described in the Lease; and

WHEREAS, both Parties desire to clarify and ratify the description of the Lease Premises.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby amend the Lease as follows:

**Definitions.** Any capitalized term not defined in this Amendment shall have the meaning assigned to such term in the Lease.

**1. Lease Premises.** As provided by Section 2 of the First Amendment, in the event that the "Primary Plat" is the June County, dated April 22, 2002, Mcley Job No. 1540, 001-A (the "Primary Plat") and the "Subdivision Plat" is the Chandler Plat, Job No. 1540, 001-B, subsequently recorded, the description of the Leased Premises shall be described as "Lot 2" of the Subdivision Plat. The parties acknowledge and agree that the Subdivision Plat was approved by the Town of Chandler Planning Commission and recorded in the Office of the Recorder of Warrick County, Indiana, on August 10, 2021, as Instrument Number No. 2021R-006923, a copy of which is attached hereto on Exhibit A and by this reference made a part hereof. The parties further acknowledge and agree that, as of the Recordation Date, (i) Exhibit A to the First Amendment shall be deemed to have been deleted and be of no effect, (ii) the First Amendment shall be deemed to have been deleted and be of no effect, (iii) Warrick County, Indiana; and (iv) any reference to "Leased Premises" in the Recorder of Amendment shall be deemed to refer to the description as set forth herein.

**2. Lease in Effect; Governing Law.** Except as modified by the First Amendment and this Amendment, the Lease shall remain in full force and effect. If any inconsistency arises between the terms of this Amendment and the terms of the Lease or the First Amendment, the terms of the Lease shall prevail. All matters shall be governed by the laws of the State of Indiana, irrespective of choice of law principles thereunder.

**3. Binding Upon Successors.** This Amendment and the provisions contained herein shall be binding upon successors, heirs, assigns, and their respective heirs, legal representatives, personal representatives, successors and assigns.

**4. Whole Agreement.** This Amendment constitutes the sole and only agreement of

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the parties hereto with respect to the terms and provisions contained herein. Except as hereby amended, modified, substituted, altered or changed in any way, this Amendment shall be interpreted or construed more strictly against a party or the other merely by virtue of the fact that it was drafted by counsel of Landlord or Tenant; it being hereby acknowledged and agreed that Landlord and Tenant have both contributed materially and substantially to the negotiation and drafting of this Amendment.

**5. Counterparts.** This Amendment may be executed in multiple counterparts, each of which when so executed shall be deemed to be an original, and all such counterparts together shall constitute one and the same instrument notwithstanding the actual date of the execution thereof.

[SIGNATURE PAGES FOLLOW]

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IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

**LANDLORD:**

TOWN OF CHANDLER, INDIANA

\_\_\_\_\_  
Tonya Webster  
President, Town Council

**ATTEST:**

\_\_\_\_\_  
Brian Pace  
Clerk-Treasurer

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**TENANT:**

BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, INDIANA

\_\_\_\_\_  
Terry J. Phillips

\_\_\_\_\_  
Robert H. Johnson, Jr.

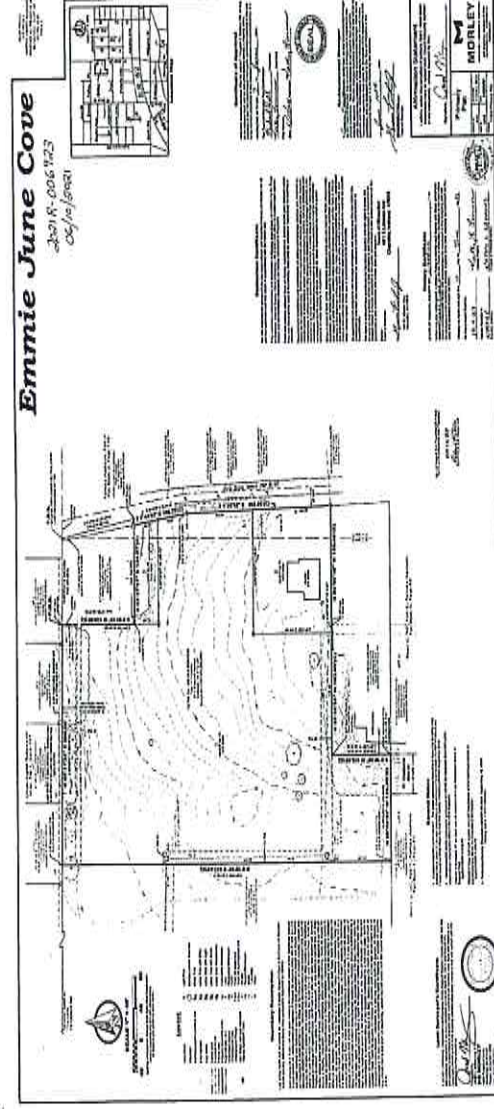
\_\_\_\_\_  
Dan Saylor

**ATTEST:**

\_\_\_\_\_  
Deborah Stevens  
Warrick County Auditor

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RESOLUTION 2021-11

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, APPROVING THE REAL ESTATE PURCHASE AND SALE AGREEMENT FOR 510 N. STATE STREET, CHANDLER, INDIANA 47610**

**WHEREAS**, Warrick County is party to a certain Lease Agreement dated as of August 23, 2010, as amended (the "Lease"), which provides for the lease of property more commonly known as 510 N. State Street, Chandler, Indiana 47610 (the "Property") by the Town of Chandler ("Chandler"), as landlord, to the Board of Commissioners of Warrick County, as tenant;

**WHEREAS**, consideration for the Lease included the construction of improvements on the Property consisting of an emergency medical station build by the County (the "Facility"), and a commitment by the County to operate and station emergency medical technicians at such Facility to service residents of Chandler and surrounding communities;

**WHEREAS**, the Lease has been subsequently amended to revise the legal description of the Property and clarify certain terms and conditions regarding the County's option to purchase the Property as provided in the Lease;

**WHEREAS**, Chandler has entered into a certain Purchase and Sale Agreement for the sale, transfer, or divestiture of an approximately 4.34-acre parcel that abuts the Property (the "Abutting Parcel"), which sale is expected to close on or about September 1, 2021;

**WHEREAS**, in accordance with Section 2 of the Lease, as amended, Chandler's agreement to convey the Abutting Parcel constitutes a triggering event, whereby the County is entitled to exercise an option to purchase the Property from Chandler for the sum of One Dollar (\$1.00);

**WHEREAS**, on or about June 14, 2021, the County gave timely written notice to Chandler of the County's exercise of its option to purchase the Property;

**WHEREAS**, Ind. Code 36-1-11, *et seq.*, authorizes the County and Chandler to enter into an agreement for the transfer of property in exchange for any amount of cash as agreed upon by the parties;

**WHEREAS**, a certain Real Estate Purchase and Sale Agreement has been negotiated between Chandler and the County, a copy of which is attached hereto and incorporated herein as Exhibit A (the "PSA");

**WHEREAS**, the purchase of the Property by the County from Chandler pursuant to the Lease does not impact the County's continuing intention to station emergency medical technicians at the Facility to service residents of Chandler and surrounding communities;

**WHEREAS**, as set forth more fully in the PSA and special warranty deed attached thereto, in the event that the County determines to utilize the Property for a use other than as an EMS facility, and Chandler objects to such alternative use within thirty (30) days after written notice from the County of the intended alternative use, then Chandler shall have the option to

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**RESOLUTION 2021-11**

purchase the Property from the County and any structures thereon at a price to be determined by the provisions of Ind. Code 36-1-11, *et seq.*, within sixty (60) days after Chandler's receipt of said written notice of the intended alternative use;

**WHEREAS**, the purchase of the Property pursuant to the terms and conditions of the PSA is in the best interests of the County; and

**WHEREAS**, pursuant to Ind. Code 36-1-11-8, the Board of Commissioners of Warrick County hereby adopts a substantially similar resolution to that which has been approved by the Town Council of Chandler for the transfer and exchange of the Property upon the terms and conditions set forth in the PSA.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Warrick County, Indiana as follows:

1. The Board of Commissioners hereby finds that the purchase of the Property is in the County's best interests and that said purchase of the Property is hereby approved;
2. The Board of Commissioners hereby approves the PSA attached hereto as Exhibit A;
3. Upon closing of the conveyance of the Abutting Parcel by Chandler, the President of the Board of Commissioners shall execute the PSA once delivered by Chandler; and
4. Warrick County shall proceed to undertake such further acts as may be reasonably necessary in connection with the transactions contemplated by the PSA.

This Resolution shall be effective upon passage.


*[Remainder of page intentionally left blank]*




**RESOLUTION 2021-11**

Passed and adopted by the Board of Commissioners of Warrick County this 23<sup>rd</sup> day of August, 2021.

WARRICK COUNTY  
BOARD OF COMMISSIONERS

  
Terry J. Philippe, President

  
Robert H. Johnson, Jr., Vice President

  
Dan Saylor, Member

ATTEST:

  
Deborah K. Stevens, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

  
Todd I. Glass, Esq. #13982-18  
FINE & HATFIELD, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47705-0779  
Telephone: (812) 425-3592  
Warrick County Attorney

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