

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
April 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 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.

President Terry Phillippe called the meeting to order at 4:00 PM.

PLEDGE OF ALLEGIANCE

**AREA PLAN COMMISSION
REQUEST FOR EXTENSION OF SURETY
C-20-081**

Director Molly Barnhill presented a Request for Extension of Surety for C-20-081, 722 S. Yankeetown Road. It's from Vertical Bridge Holdco, LLC. They are holding \$15,000.00 in escrow guaranteeing entrance construction. They are asking for a one-year extension at the same dollar amount and have had two years. The surety expires on April 19, 2023. The County Engineer has signed off that the dollar amount is sufficient.

Commissioner Saylor asked why they weren't putting in the entrance and what the hold up was. County Engineer Bobby Howard stated that the tower was done first and the tower crew was not the same as the driveway crew. No one ever came back and got the driveway done. They realized that the plan wasn't met and there was a miscommunication.

Commissioner Saylor made a motion to approve the extension. Commissioner Johnson seconded the motion. The motion carried 3-0.

(C-20-081 is located on Pages 6 through 9 of these Official Minutes)

**REQUEST FOR REDUCTION OF SURETY
SPRING CREEK 2 PUD**

Director Barnhill presented a Request for Reduction of Surety for Spring Creek 2, PUD by Knight Creek, LLC by John Elpers, Manager. They are holding letters of credit totaling \$3,000.00 for street construction. They are asking for a one-year extension at the reduced amount of \$1,000.00. They have had three years and the letter of credit expires on May 15, 2023. The County Engineer has signed off on the dollar amount. There is just some backfilling of the curbs.

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

(Spring Creek PUD is located on Page 10 of these Official Minutes)

**STREET CONSTRUCTION PLANS
PP-23-04 PARKER ESTATES**

Ms. Barnhill presented the Street Construction Plans for PP-23-04, Parker Estates, by petitioner/owner Joel and Elizabeth Parker. It was incorrectly listed on the agenda as a street acceptance. It is approximately 34.013 acres located on the north side of Elberfeld Road. It's approximately a fourth of a mile east from the intersection formed by Elberfeld Road and St. Johns Road, being Lots 2A and 2B in Parker Minor Subdivision. It is recorded as Document #2007R-012227, Greer Township, 20-4-9. It was advertised in the Standard on March 30, 2023. They are requesting no improvements to Elberfeld Road.

County Engineer Bobby Howard stated that this was a small lot development and he recommended approval. Commissioner Phillippe asked how big the lots were. Mr. Howard said one was 15 acres, 6 acres, 8 acres, and 2 ½ acres. Commissioner Johnson made a motion to approve. Commissioner Saylor seconded the motion. The motion carried 3-0.

(PP-23-04 is located on Pages 11 through 12 of these Official Minutes)

ACTION AGENDA
APPROVAL OF MINUTES
MARCH 27, 2023 REGULAR MEETING MINUTES

The minutes from the March 27, 2023 Regular Session Meeting were presented. Commissioner Bob Johnson made the motion to approve the minutes as presented. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

PETITION TO INCORPORATE THE TOWN OF VICTORIA WOODS

Jordan Aigner was present to represent Oakland Holdings in the petition to incorporate the Town of Victoria Woods. He had a couple comments that he wanted to bring to the Board, but first he wanted to allow those who hadn't spoken last time or at other meetings to be able to address the Board.

President Phillippe addressed the audience and asked that anyone coming up to speak state their name and limit their speech to one minute.

Jeremy Mattingly of Mattingly Homes and Development spoke for the incorporation. He stated that he lives in the neighborhood and is a current resident. He also owns several properties in the development. Mr. Mattingly also stated that he was working with twelve people specifically with designing or building their homes in the development. He wanted to address where these people were coming from. Of the twelve, three are either out of state or out of county. So, he said it is bringing in people from out of the area.

Commissioner Johnson asked Mr. Mattingly if he could give him an idea of the areas that they were coming from. Mr. Mattingly said that one was from Atlanta, one from Illinois, and one from Vanderburgh County. He also said there is a realtor bringing someone in to look at the homes next week from Rhode Island. He said the realtor is bringing in a lot of doctors and medical professionals for the hospital. This area is a big draw for a lot of that traffic.

Janice Miller with ERA Realty spoke next. She stated that ERA currently sells about 45% of the homes in Warrick County compared to other real estate companies. She said this is something new and totally different. It's like a vision. She stated when the Aigner's approached her with it, it was a vision of something larger happening in Warrick County. Of all the lots out there, she has sold 95% of the lots. When she talked to the buyers, they were excited about the prospect of becoming a town. They signed off immediately. They want this to be something different. People are moving in from Illinois because of lower taxes. Physicians are coming into the area. There are currently not enough homes available for them to buy. She has homes that have bidding wars because there are not enough in Warrick County available.

Commissioner Phillippe asked how much more affordable Warrick County is even with these higher end homes than Illinois or Atlanta or wherever they are coming from. She stated that we are catching up with them, but Warrick County is still lower. The biggest thing is when they look at taxes for Boonville, they don't want inside Boonville because the taxes and utilities are so much higher. She also felt with it being between Newburgh and Boonville that it would attract many more people to move into this area.

Commissioner Saylor asked Ms. Miller if the lack of homes was a good thing or a bad thing for consumers? Ms. Miller stated that it actually hurts everyone. Commissioner Saylor then asked how this affected the prices. She stated that it drove prices up. But, with interest rates, people can't go up that much. Commissioner Saylor said that with the higher prices it also affected the assessed valuations pushing up prices on everything with the lack of inventory. She agreed and stated that they needed more homes.

John Wilson, Warrick County citizen, then addressed the Commissioners. He expressed his concern of this all being old coal ground and the issues that come with it. He felt a fifty-year warranty needed to be held on this development to assure those building in this area in case the ground fell apart. He also expressed that those kinds of damages were not covered by insurance. He also expressed his concern over the raise in the taxes and people not being able to afford to live.

Dave Martin with Martin Brothers Construction addressed the Commissioners. He is also building in the subdivision at 2270 Victoria Woods. Ms. Janice Miller with ERA will be listing the home that they built. They are very excited about the subdivision and the prospect of it growing. They have teamed up with the Aigner Family and they plan to continue building throughout the duration of the project. He feels the Aigners have worked hard to plan this over the last ten years. They know what they're doing and Mr. Martin is very proud of what they have done. He also said that the realtor will be showing their home which will be on the Parade of Homes in June to several people from out of town.

Commissioner Saylor asked Mr. Martin about the responsibility of the foundations of the homes for a certain period of time according to State Statute. Mr. Martin said that there is coalmine ground all over Warrick County and there are shafts that were put in a hundred years ago that weren't even plotted. So, there is always a chance that something could settle. But there are systems that they can put in place if that ever happened. But there are no guarantees that there won't be an issue. But the Aigner Family has worked hard to take care of those issues. As to the responsibility, he said there was a ten-year warranty that the builders are to put out on a property. It's not just up to the homeowner, the developer does have some skin in the game according to Mr. Martin.

Commissioner Phillippe asked if the Warrick County Building Commission established a certain type of foundation. Mr. Martin said that they did and it is what they put in on the properties. This has been done for a long time in the area. Anyone who builds in the area, this is what they use and are required or at least recommended.

Jordan Aigner again came before the Commissioners to review what has been discussed and some of the questions that had been asked. One question was not having enough people to start the town. They do have three residents.

Technically, there are four as there was an existing cabin in the incorporated area. There are several other homes under construction. He thinks there will be seven people by the end of the year. His Counsel has told him that they have done this before with just two people. So, he feels like that issue has been resolved. The next question was that this might be too early to incorporate. He would ask then who would set the timeline to incorporate. State law allows for it. They are on schedule with the State law. So, there is no timeline to when you should incorporate. In proper planning, you want to do that on the front end so you leave room for the amenities you wish to add instead of no planning and it developing haphazardly and then trying to incorporate. He would argue that it would be much worse because doing it on the front end, everyone knows the plan. People know the vision so they can buy in or not live there. Mr. Aigner also stated that they did come to the Commissioners with a positive recommendation from the Planning Commission. It was a vote of 5-1. He did hope for a unanimous vote, but it was still good enough for him. And they looked at a lot of things development wise. People have also said that this sets a precedence, but he doesn't think so. If you look at normal developments, they are from twenty to forty acres and the large developments are almost always done in phases. This project is six hundred acres and there is a master plan that includes those things. There are challenges to the property, but they are not running away from the challenges. There are thirty acres of water, sixty feet of elevation, and all that is very unique. It's a lot easier to develop a cornfield. He feels these are the big differences between the normal projects and this project. This is also the first time in thirty years for the whole State of Indiana that a new town has been petitioned for creation. Mr. Aigner stated that on the up side, that if they are recommended to be a town, that will show the rest of the State and the region that Warrick County is open for business and big ideas. He also addressed the County's ability to build the new Jail with the incorporation of the new town and its effect on LIT. Mr. Aigner stated that they worked with Baker Tilly, the County's Financial Advisor on the project, and found it would have very little impact, so he considered that resolved. He also addressed that people were saying, why incorporate if the Aigners will develop it either way. He felt was presumptuous. He has not made any guarantee to anyone that they would develop the six hundred acres. He would like to see it developed. But, if it is not incorporated, it may look different. He understands the point, but he doesn't feel that it's valid. His project so far has put up several homes and they have not asked for any money or incentives. Mr. Aigner also stated that he had heard it was bad timing with the Jail and bonds getting ready to be rolled over. There is also a Senate Bill that might affect the taxing structure. His project may be looked at as a detriment as it will take some LIT, but it will bring so much more once the project is successful. Council and others are thinking about the costs, but they aren't looking at the revenue. He will bring rooftops in. There will be a gap initially, but it will overturn itself by a lot. Mr. Aigner stated for the record that they are going to increase the assessed value by two hundred million. That allows the rate to be kept the same and increase the revenue or lower the rate, both of which work for a conservative Council. He also touched on the building of properties and developing the reclaimed mine ground. He has covenants regardless of incorporation. They require twenty-four inch wide, fourteen inches deep, three-fifth inch rebar that are four inches up from the bottom and two five-eighths rebar that are three inches from the top. That creates a grade beam. That's been a minimum in Warrick County for over twenty years. It is being done correctly in Warrick County and has been for some time. Mr. Aigner then asked if the Commissioners had any more questions.

Commissioner Johnson said he didn't have any questions, but he appreciated all the things that Jordan (Aigner) has done for Warrick County. He has zero doubt that what Mr. Aigner is building is going to be a quality place. He also feels the Commissioners still have some decisions to make, but he doesn't see any issues. Commissioner Johnson also thanked him for his time and explanations.

Commissioner Saylor had a couple of things that he wished to say. He first touched on the Greenlife Project that was supposed to be developed in that area but ultimately fell through. He appreciates that Jordan (Aigner) didn't come with wheelbarrows asking for money. He understands the challenge of the development and appreciates that Mr. Aigner took it on. Commissioner Saylor also stated that when he retired, he became a home builder. He built one home using all local contractors and wrote a lot of checks. He also felt Warrick County's insulated a bit from some of the ups and downs of the economy. He felt that this area, being a desirable place to live, kept people working. It has a significant impact on the people and families that work due to these projects. Commissioner Saylor said that he had always been pro-development and that it also helps keep the area economy from hitting the lows when other economies struggle.

Mr. Aigner pointed out that they have to date put in over ten million dollars into the project. There is also a lot more to go, but all of that has been local dollars. Between their two companies, they employ about fifty-four people. Their payroll was about three million dollars in 2022. Commissioner Saylor stated that was another thing he appreciated about the project, the vision and that they are a local company. He knows where he lives.

Mr. Aigner also asked the Commissioners to think of any other project like this. If the County doesn't grow, it will die. Many counties around Warrick County struggle. They are thinking bigger and out of the box and that's why the request is before them.

President Phillippe reviewed the options before them. They can accept the proposal, decline the proposal, or send to referendum. They already understand the dynamics of sending it to referendum. He does feel that the tone is positive end result, but there are a couple of things to iron out. He understands their deadline, but hopes that a couple more weeks won't hurt anything. This is a big deal.

President Phillippe also addressed Attorney Goth and the phone calls that were made today. Mr. Aigner said they had prepared the Ordinance and if they want to look it over and give them comments, they can do that between now and the next meeting. Attorney Goth stated that he would reach out and establish that communication in the next few days.

Commissioner Johnson made a motion to table the vote to April 24, 2023 Commissioner Meeting. Commissioner Saylor seconded the motion. The motion carried 3-0.

**COUNTY ADMINISTRATOR
CONSENT AGENDA**

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

- County Auditor Claims Voucher Report Date 04-05-2023
- Payroll Date: Thursday, April 6, 2023
- Approval to pay ODP Business Solutions for Invoice ending in 48001 and invoice ending in 73001 out of balance of ARPA money from the JC Flooring Project for supplies needed to prepare for installation.
- Purchase of 115 carpet protector vinyl chair mats for all JC desk areas receiving new flooring
- Granting the Temporary Access for Sidewalk Improvements – City of Boonville

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

(Claims are located on Pages 12 through 14 of these Official Minutes)

(Payroll is located on Page 14 of these Official Minutes)

(ODP Business Solution Invoice is located on Page 15 of these Official Minutes)

(Office Depot Receipt is located on Pages 15 through 16 of these Official Minutes)

**COUNTY ATTORNEY
ORDINANCE AMENDING PUBLIC NUISANCE CHAPTER
ORDINANCE 2023-06**

Attorney John Goth presented to the Commissioners a revised Ordinance amending the Public Nuisance Chapter in the Warrick County Code of Ordinances. These changes were made to take into account the new Code Enforcement Officer that the County has and streamlines portions of the process.

President Phillippe asked the new Inspector Jeff Daily to come up and give them a few words on the new Ordinance. Mr. Daily stated he had reviewed it and thinks everything is covered in the new Ordinance that needs to be addressed. It also fits with the processes and makes things clearer. He is comfortable with it. Mr. Daily also stated that the attorney would be drafting a formal violation form for him to incorporate.

Commissioner Johnson made a motion to approve Ordinance 2023-06. Commissioner Saylor seconded the motion. The motion carried 3-0.

(Ordinance 2023-06 is located on Pages 16 through 18 of these Official Minutes)

APPOINTMENT OF LANE TOWNSHIP TRUSTEE – LINDA ORTH

Next Attorney Goth presented the Appointment of the Lane Township Trustee. He went over the statutory authority that the Commissioners have to make the appointment. If it can be, it is filled by caucus of the party. If this is not done or achieved, it falls on the Commissioners to be the appointing authority. They have a person they reached out to and is willing to fulfill that roll. Therefore, all that is needed is a motion to appoint that person to the position and vote.

President Phillippe stated that the person to be appointed was Linda Orth. She had previously been the Township Trustee and will volunteer to fill the role at least temporarily through the end of the term. Commissioner Johnson made the motion to appoint Linda Orth. Commissioner Saylor seconded the motion. The motion carried 3-0.

**COUNTY ENGINEER/HIGHWAY
DANCO PAY APP 13 FOR VANN ROAD DISTRICT 1/STORM WATER BUILDING**

County Engineer Bobby Howard had one item to present to the Commissioners. It was the Danco Pay App 13 for the Vann Road District 1 Highway and Storm Water Building. It was in the amount of \$5,907.87. This was mainly for some of the plastic, the flooring, and a stated general conditions. There is some sitework left to do around the outside and pads for the fuel center. Mr. Howard stated that the pads had not been poured and he hopes to find the reason for this tomorrow. There is still a retainage of \$91,896.85. The balance to finish is around \$21,771.00.

Commissioner Johnson asked if he was pleased with what he is seeing so far. Mr. Howard felt there were a few things that needed to be changed a little bit, but nothing major. Overall, it's coming together nicely. He still needs to get the fuel system in place and then the oil and lube system. Both are separate from the current contract.

Commissioner Saylor asked if the sewer line had been hooked up. Mr. Howard did not believe so. They had not done it the last time he was there. They have added some risers to the oil and water separator. He hopes to get more answers on that tomorrow. He was supposed to get a summary, but has yet to receive it.

President Phillippe entertained a motion to approve Pay App 13. Commissioner Saylor made the motion and Commissioner Johnson seconded the motion. The motion carried 3-0.

(Danco Pay App 13 is located on Pages 19 through 20 of these Official Minutes)

**GRANTS DEVELOPMENT DEPARTMENT
SIGN PROPOSAL FOR HEALTH DEPARTMENT STUDY WITH LAMAR ARCHITECTURE
AND DESIGN – ARPA FUNDING**

Grants Development Director Debbie Bennett-Stearsman presented a proposal for the Health Department Study with Lamar Architecture and Design. The proposal is for \$11,650.00. The Commissioners at a previous meeting approved \$14,800.00 to the Health Department for renovation and a master plan for the existing Health Department in the basement of the Courthouse. That was to go to Lamar Architecture and Design. Since that has occurred, there has also been a need of a concept design, budget, and master plan for a new Animal Control building which is also under the Health Department. Lamar sent a revised budget that they could do the preliminary conceptual design and budget for both buildings and they could keep it at \$11,650.00. This breaks down to \$5,150.00 for the Courthouse basement and \$6,500.00 for the Animal Control Building. Lamar sent a new proposal for consideration. The County Attorney has reviewed and found no issues with it. Ms. Bennett-Stearsman said the scope of the work had changed, but the price is now actually less.

Commissioner Saylor wanted to clarify that this was for a design and master plan out by the Jail and this also includes what they want to do in the Courthouse basement. Ms. Bennett-Stearsman said that it was and it was just preliminary concept and budget. It did not include the design. Commissioner Johnson felt like that was a lot of money to draw a picture.

Commissioners Saylor asked to just discuss Animal Control. He asked if they were getting engineered drawings for a building. Ms. Bennett-Stearsman stated they were not. There would not be a full set of plans and specs. She said that Mr. Franz is going to meet with Lamar and they will see what is needed and do some renderings and put a budget figure to that. There was a quote to go into construction design bidding and specs, but she told Aaron (Franz) that they should only go this far for now and look at what the Commissioners want to do with the end product.

President Phillippe asked what that awarded \$14,000.00 was for originally. Ms. Bennett-Stearsman said that the original \$14,800.00 was for Lamar to do a proposal for the conceptual design, budget, permitting, and go into actual construction design and bidding for the Health Department in the Courthouse. She asked them to take that off the board and come back with just doing the preliminary work and include the Animal Control Building. She thought there were various factors to take the construction design off the table. President Phillippe felt they really needed to move forward with something at Animal Control.

Commissioner Saylor stated that they went to Animal Control with part of the County Council and the shelter was very crowded. It was very tight in there.

Commissioner Johnson asked what exactly they were needing out there. It was stated that they needed space for quarantining animals and for various other issues. They also talked about temporarily getting some forty-foot trailers and outfitting them with electricity and lighting to solve some temporary needs. President Phillippe stated that they are receiving donations which helps, but they are continually growing and need more space.

Commissioner Saylor asked Ms. Candice Heubner with the Warrick County Health Department if she knew the square footage of Animal Control. She said she wasn't really sure. Ms. Heubner did report that they had definitely seen an increase in animals. It's nothing to take in between ten and fifteen animals. They are storing animals in the garage. Animals are brought in for examination, vaccination, and euthanasia all in the same room. They simply don't have enough room. The intake is a huge situation. They have an upcoming spay and neuter clinic and it will be difficult to receive the animals in the small drop of space that they have. Anything the Commissioners could do would be awesome.

Commissioner Johnson stated that his only concern was that it seemed like an excessive amount of money to throw at a concept instead of designing something. He would rather pay \$20,000.00 to \$25,000.00 to have it designed to build than \$11,000.00 to paint and draw a picture.

Commissioner Saylor asked Engineer Bobby Howard if they had this for the Highway Department. Bobby Howard stated that they did not do a conceptual first. President Phillippe thought they should keep in mind that they were adding onto a building. Ms. Heubner thought that it was for a new building as did Commissioner Saylor. But all three Commissioners agreed that they needed a new building.

Ms. Debbie Bennett-Stearsman wished to state that it was a little more than just a drawing. They will work with the Health Department to design a floor plan that they need, then the conceptual design, and put a budget together. It will not be blueprints and dimensions. She believed they would need to know how to fund it and what they wanted to fund in order to move forward from there. Commissioner Phillippe looked at it as Phase 1 of the planning. Commissioner Johnson agreed, but had never done it that way. Commissioner Saylor agreed with Commissioner Johnson.

President Phillippe asked if this was something that they wanted to discuss with Aaron (Franz). Commissioner Johnson didn't wish to hold the project up. They need the space and need to get it moving. The Commissioners continued to discuss planning, space, and concepts for the project.

Commissioner Saylor made a motion to approve the scope of the project conditional on the scope to be determined later. Commissioner Johnson seconded the motion. The motion carried 3-0.

(Lamar Bid is on File in the Commissioners' Office)

PARKS PLAN FUND

Ms. Bennett-Stearnsman asked that this be removed from the agenda.


ITEMS FOR DISCUSSION

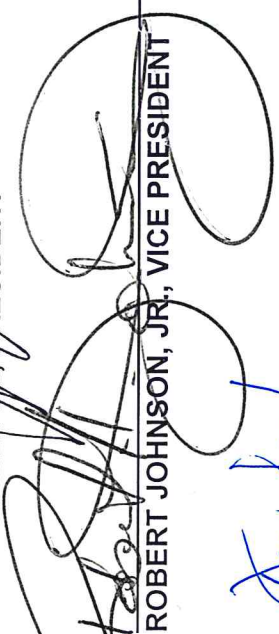
There were no other items for discussion.


**COMMISSIONER ITEMS FOR DISCUSSION
ADJOURNMENT**

The next Warrick County Commissioners' meeting will be held on Monday, April 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 5:07 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

Minutes Respectfully Submitted by Kristine Georges, Official Recording Secretary

C-2020-081
 Request for Extension of Surety
 722 S Yankeeetown Road
 April 10, 2023

BOARD OF COMMISSIONERS:

 President

 Member

 Member
 ATTEST:

 Auditor
 Date: 4-10-23

3/21/23, 8:16 AM

Warrick County Govt. Mail - FW: US-IN-5160 Maple Grove BTS Assignment AT&T 14838733; Bond Release Issue

CLASS 1

COMMERCIAL INDUSTRIAL OR UTILITY TULL-LIFE APPLICATION TO CONSTRUCT DRIVEWAYS AND APPROACHES (INCLUDES RELIEF OCCASION)

Application is hereby made by the undersigned for permission to construct of an unimproved cellular communications facility. Installing a new 12' gravel access drive. Extending existing metal pipe to 20'.

In Warrick County, located on County Road, Yanketown Road

Yanketown Road and 67-13-02-300-043-000-02

Grant name, parcel and location of work to be done

Lot 43

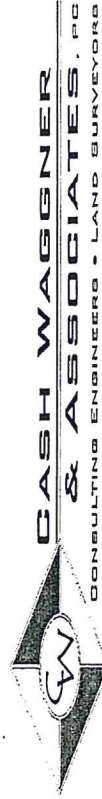
If new pipe - size - 18" - 24" - 30" - 36" - 42" - 48" - 54" - 60" - 66" - 72" - 78" - 84" - 90" - 96" - 102" - 108" - 114" - 120" - 126" - 132" - 138" - 144" - 150" - 156" - 162" - 168" - 174" - 180" - 186" - 192" - 198" - 204" - 210" - 216" - 222" - 228" - 234" - 240" - 246" - 252" - 258" - 264" - 270" - 276" - 282" - 288" - 294" - 300" - 306" - 312" - 318" - 324" - 330" - 336" - 342" - 348" - 354" - 360" - 366" - 372" - 378" - 384" - 390" - 396" - 402" - 408" - 414" - 420" - 426" - 432" - 438" - 444" - 450" - 456" - 462" - 468" - 474" - 480" - 486" - 492" - 498" - 504" - 510" - 516" - 522" - 528" - 534" - 540" - 546" - 552" - 558" - 564" - 570" - 576" - 582" - 588" - 594" - 600" - 606" - 612" - 618" - 624" - 630" - 636" - 642" - 648" - 654" - 660" - 666" - 672" - 678" - 684" - 690" - 696" - 702" - 708" - 714" - 720" - 726" - 732" - 738" - 744" - 750" - 756" - 762" - 768" - 774" - 780" - 786" - 792" - 798" - 804" - 810" - 816" - 822" - 828" - 834" - 840" - 846" - 852" - 858" - 864" - 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Spring Creek 2 PUD
Request for Reduction of Surety
April 10, 2023

BOARD OF COMMISSIONERS:

President
Member
Member

ATTEST:
Auditor
Date: 4/10/23



April 3, 2023

Warrick County Area Plan Commission
107 West Locust Street
Boonville, IN 47601

RE: Spring Creek 2 - PUD
Street Certification
Project No.: 16-2558

The construction of the roadways within the subject project is complete and ready for placement of 1 1/2" thick, 57 stone, 1 1/2" thick, 57 stone, 2 1/2" thick, 57 stone, 2 1/2" thick, 57 stone, 2 1/2" thick, 57 stone, and 2" concrete roll curb and gutter.

Miscellaneous items remaining to be completed:

Backfill curbs, seed and straw grasspace areas - \$1,000.00

We ask that you inspect the improvements and accept the streets for maintenance.

If you have any questions or require additional information, please contact our office.

Sincerely,

Glen Meritt Jr., P.E.
Project Engineer

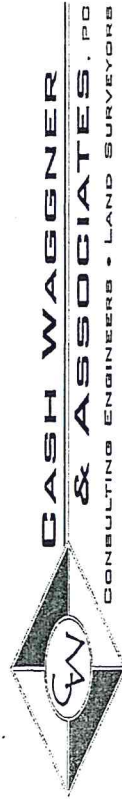
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APR 03 2023
WARRICK COUNTY
AREA PLAN COMMISSION

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214 EVANVILLE, IN 47721, SUITE B
EVANVILLE, IN 47721

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APR 03 2023
WARRICK COUNTY
AREA PLAN COMMISSION



March 27, 2023

Warrick County Area Plan Commission
107 West Locust Street
Boonville, IN 47601

RE: Spring Creek 2 PUD
Drainage Certification
Our Project No.: 16-2558

All of the drainage improvements required for Spring Creek 2 PUD are in place and have been constructed in relative conformance with the approved drainage plan.

We ask that you inspect the improvements and release the surety for the drainage improvements.

If you have any questions or require additional information, please contact our office.

Sincerely,

Glen Meritt Jr., P.E.
Project Engineer

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APR 03 2023
WARRICK COUNTY
AREA PLAN COMMISSION

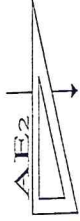
Parker Estate
Request for No Street Improvements
April 10, 2023

BOARD OF COMMISSIONERS:

President: *[Signature]*
Member: *[Signature]*
Member: *[Signature]*

ATTEST:

Auditor: *[Signature]*
Date: 4-10-23



ANDY EASLEY ENGINEERING, INC.
1133 WEST MILL ROAD, SUITE 205
EVANSVILLE, INDIANA 47710
TELEPHONE (812) 424-2481
FACSIMILE (812) 425-3463
www.andyengineering.com

CIVIL ENGINEERS
LAND SURVEYORS

[Signature]

FILED
APR 03 2023
WARRICK COUNTY
CLERK'S COMMISSION

April 03, 2023

Robert B. Howard
107 W. Locust Street
Room 108 Courthouse
Boonville, IN 47601

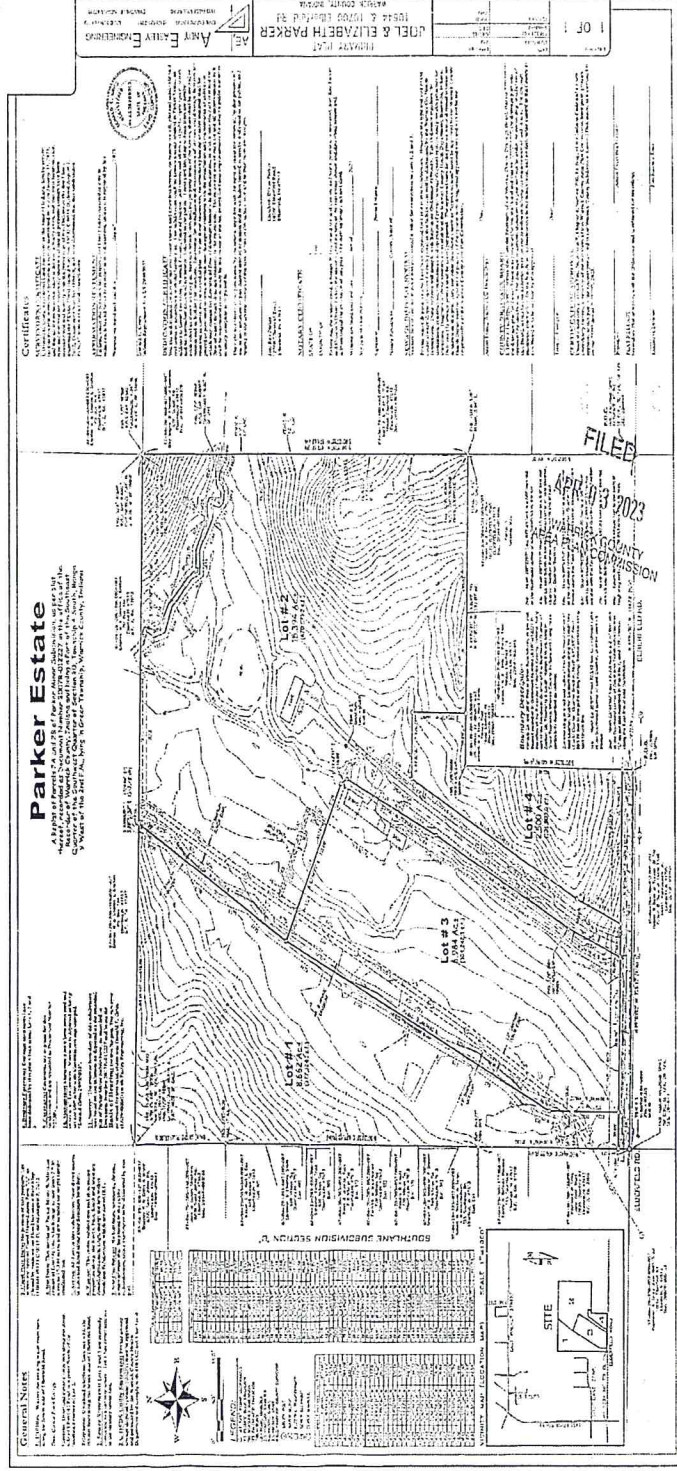
Greetings,

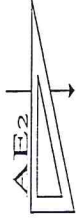
In regard to the Parker Estate Subdivision, no street improvements are planned for this subdivision. The subdivision is currently in the planning phase and will require approval for the Subdivision at the meeting to be held on April 10, 2023. If you have any comments or concerns regarding the development please contact me.

Sincerely,

Andy Easley, Engineering, Inc.

[Signature]
Donald E. Gries, PS
President





ANDY EASLEY ENGINEERING, INC.
 1133 WEST MILL ROAD, SUITE 205
 EVANSVILLE, INDIANA 47710
 TELEPHONE (812) 424-2481
 FACSIMILE (812) 425-3493
 www.andyengineering.com

CIVIL ENGINEERS
 LAND SURVEYORS

April 03, 2023
 Phil Baxter
 107 W Locust Street
 Room 206 Courthouse
 Boonville, IN 47601

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 APR 03 2023
 WARRICK COUNTY
 AREA PLAN COMMISSION

Greetings,

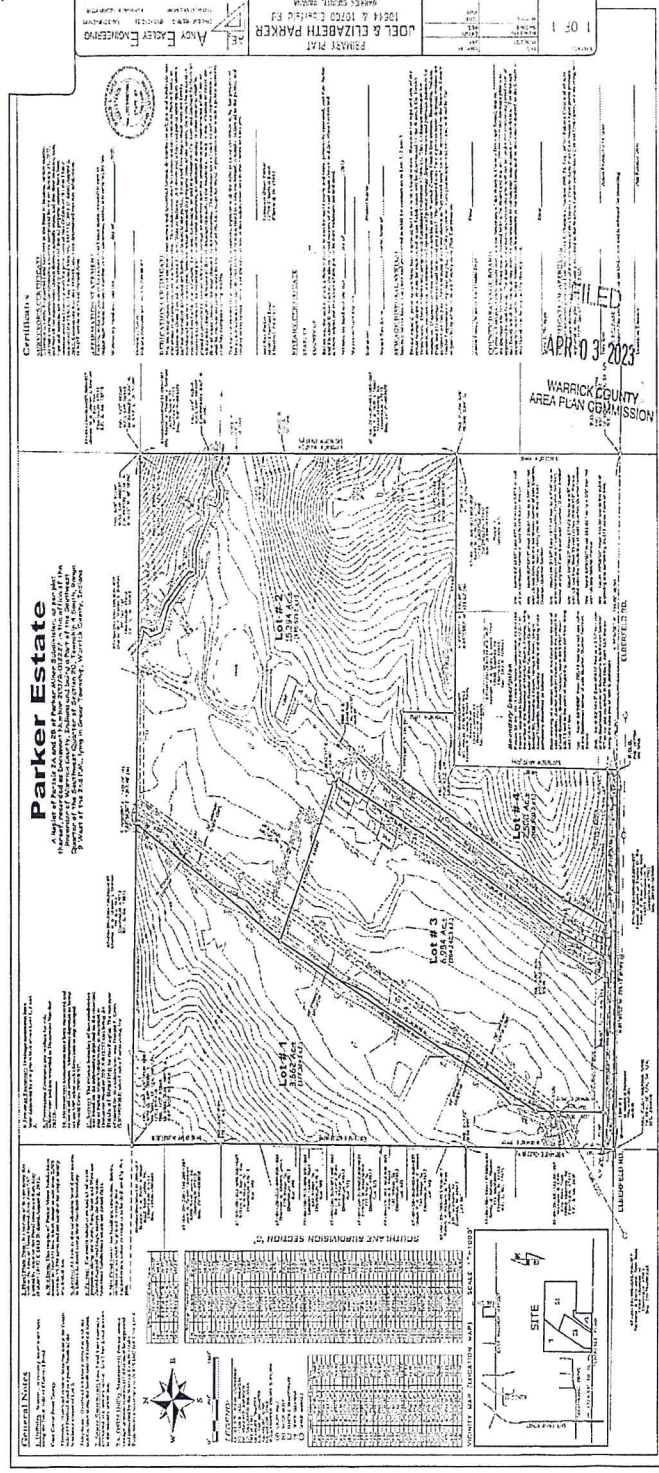
In regard to the Parker Estate Subdivision, please give acknowledgment that no drainage plans will be required for this development. We request your approval for the Subdivision at the meeting to be held on April 10, 2023. If you have any comments or concerns regarding the development please contact me.

Sincerely,

Andy Easley, Engineering, Inc.

Donald E. Gries
 Donald E. Gries, PS
 President

Andy N. Cooper
 4-3-2023



PROPERTY	OWNER	AREA	ACRES	REMARKS
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #1	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #2	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #3	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #4	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #5	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #6	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #7	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #8	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #9	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #10	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #11	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #12	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #13	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #14	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #15	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #16	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #17	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #18	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #19	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #20	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #21	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #22	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #23	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #24	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #25	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #26	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #27	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #28	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #29	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #30	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #31	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #32	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #33	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #34	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #35	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #36	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #37	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #38	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #39	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #40	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #41	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #42	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #43	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #44	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #45	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #46	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #47	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #48	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #49	1.00	Subdivision
10014 & 10700 LINDALE RD	DOEL & ELIZABETH PARKER	Lot #50	1.00	Subdivision

APPROVED APR 10 2023

INTEROFFICE MEMORANDUM



FILED
APR 19 2023

WARREN CO. AUDITOR

Office Depot

TO: KRISTINE GEORGES
FROM: SHERRIE SHEVERS
SUBJECT: CONSENSUS VOTE TO PAY FOR SUPPLIES FOR THE JC FLOORING PROJECT FROM THE REMAINING BALANCE OF JC FLOORING PROJECT ARPA FUNDS
DATE: MARCH 28, 2023

IC 5-22-10-5 PURCHASING POLICY 250,000.00
Sec. 2. (c) This section applies only if the purchasing agent estimates the purchase to be less than fifty thousand dollars (\$50,000.00).
The purchasing agent shall make a purchase under small purchase policies established by the purchasing agency or under rules adopted by the governmental body.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, AMENDING THE PURCHASING POLICY FOR THE PURCHASE OF EQUIPMENT, GOODS, MATERIALS, AND SERVICES
Specification of Supplies.

- (1) Specifications shall be required for every item over Twenty-Five Thousand Dollars (\$25,000.00) and for every item over Ten Thousand Dollars (\$10,000.00) when Twenty-Five Thousand Dollars (\$25,000.00) may be satisfied by including a detailed description of the service.

All quotes and emails are attached.

3/29/23, 3:17 PM



Warrick County Govt. Mail - Consensus Vote-Supplies for JC Project

Sherrrie Shevers <sshevers@warrickcounty.gov>

Consensus Vote-Supplies for JC Project

Sherrrie Shevers <sshevers@warrickcounty.gov>, Dan Saylor <dansaylor@warrickcounty.gov>, Terry Phillippe <terry.phillippe@warrickcounty.gov>, Debbie Rannett-Skearman <dskearman@warrickcounty.gov>, Bobby Howard <bhoward@warrickcounty.gov>, Amanda Kramer <akramer@warrickcounty.gov>

Good Morning Commissioners:

The Judicial Center flooring project came in slightly under budget. There are supplies I have ordered to be used that I would like to use if it is possible to pay for these supplies from the ARPA money provided for this project. A breakdown below of the figures.

ARPA Request & Award	\$356,361.72
Greers Flooring America-Contract Award	\$351,860.00
ARPA Funds Remaining	\$4,501.72
Expenses to Prepare for Project	
Bankers Boxes	71.25
Bankers Boxes	71.25
Labels	28.69
Poly Sheeting 4' x 200' Clear	15.59
Labels	15.16
Painters Tape for Poly Sheeting	13.11
Pens	4.69
Scissors	13.22
Notebook	9.46
Office Depot Total	242.42
ARPA Funds Remaining After Supplies	\$4,259.30

Can I get a consensus vote to pay for these supplies from the remaining ARPA money for this project? I have attached a copy of the invoices from Office Depot for your review.

Respectfully,

Sherrrie Shevers
Warren County Auditor
107 W. Locust Street-Suite 310
Boonville, IN 47601
Phone: 812-897-8637

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APPROVED APR 10 2023

INTEROFFICE MEMORANDUM



FILED
APR 19 2023

WARREN CO. AUDITOR

Office Depot

TO: KRISTINE GEORGES
FROM: SHERRIE SHEVERS
SUBJECT: APPROVAL OF 115 CARPET PROTECTORS FOR ALL DESK AREA IN THE WARRICK COUNTY JUDICIAL AREA RECEIVING NEW FLOORING.
DATE: APRIL 5, 2023

IC 5-22-10-5 Savings to Governmental Body
Procedure. Sec. 5. A purchasing agent may make a special purchase when there exists a unique opportunity to obtain supplies or services at a substantial savings to the governmental body.

IC 5-22-10-12 Governmental Discount Available
Procedure. Sec. 12. A purchasing agent may make a special purchase when the market structure is based on price but the governmental body is able to receive a dollar or percentage discount of the established price.

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, AMENDING THE PURCHASING POLICY FOR THE PURCHASE OF EQUIPMENT, GOODS, MATERIALS, AND SERVICES

- (v) Substantial savings [IC-5-22-10-5]. A purchasing agent may make a special purchase when there exists a unique opportunity to obtain supplies or services at a substantial savings.
- (iv) When the market structure is based on price but Warrick County is able to receive a dollar or percentage discount of the established price [IC-5-22-10-12]

All emails, quotes, and invoices are attached.

4/10/23, 9:45 AM

Warrick County Govt. Mail - Commons Vote-Carpet Protectors



Sherrilo Slovors <sslovors@warrickcounty.gov>

Consensus Vote-Carpet Protectors

3 messages
Sherrilo Slovors <sslovors@warrickcounty.gov>
Dan Saylor <dsun@warrickcounty.gov>, Terry Phillippe <terry@warrickcounty.gov>
Debbie Bennett-Stearman <dbennett-stearman@warrickcounty.gov>

As we are moving along on the installation of the Judicial Center Carpet. Can we touch on new vinyl carpet pad protectors under rolling office chairs?
In speaking to the Department Head, most offices will have to go to Council for an additional appropriation to purchase. I have talked with my contact at Office Depot and they have a special on carpet pads. They have a total of 115 carpet pads needed. Suppose they are purchased separately @ \$145.00 each for a total of \$17,022.50. My contact says they are currently offering a significant discount if we buy all at once in the bulk of \$72.00 each, which would total \$8,280.00, a \$8,742.50 savings.

I am asking for a consensus from the Commissioners to consider paying for the carpet protectors out of the Building Bond Contingency. Being so will ensure everyone has an excellent commercial carpet protector under their chairs to protect the new carpet investment.

Below is a breakdown of the savings and information on this protector.

Table with 4 columns: Position, Quantity, Unit, Total. Rows include Assessor, Auditor, Treasurer, Clerks, Prosecutor, Courtrooms, Public Defender, Superior and Litom, Circuit Court Probation, Judges, Total Needed, SAVINGS.

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ORIGINAL
AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, AMENDING CHAPTER 157 OF THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA

WHEREAS, pursuant to Indiana Code 36-7-10.1-3, Warrick County may by ordinance require the owners of real property located within the unincorporated areas of Warrick County to cut and remove weeds and other rank vegetation;
WHEREAS, pursuant to Indiana Code 36-7-10.1-3, Warrick County may exempt from the definition of weeds and rank vegetation areas of cultivated agricultural crops, including hay and pasture;
WHEREAS, pursuant to Indiana Code 36-8-2-4, Warrick County may by ordinance regulate conduct and the use or possession of property that might endanger the public health, safety or welfare;
WHEREAS, Chapter 157 of the Warrick County, IN Code of Ordinances regulates weed and rank vegetation and the conduct, use, or possession of property that endangers the public health, safety, or welfare;
WHEREAS, Warrick County desires to amend Chapter 157 of the Warrick County, IN Code of Ordinances in certain respects to further the public health, safety, and welfare and to improve the efficiency in administering the provisions of Chapter 157;
NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, that Chapter 157 is hereby amended in its entirety and replaced as follows:
CHAPTER 157: PUBLIC NUISANCES

§ 157.01 PURPOSE AND INTENT.
It is hereby declared to be the purpose of this Chapter to regulate and control the growth and exist of weeds and rank vegetation and other rank vegetation on all parcels of real estate on residential and commercial property within the unincorporated areas of Warrick County not otherwise exempted herein. It is further declared that the purpose of this Chapter is to protect the public health, safety, and welfare, and enhance the environment for the people of Warrick County by making it unlawful for residential and commercial property owners and occupants to allow a public nuisance as defined in Indiana Code 32-30-6-6 to exist on any real property located within Warrick County.

Ordinance 2023-26

§ 157.02 DEFINITIONS.
As used in this Chapter, the following terms shall have the following meanings unless otherwise designated.
ABANDONED VEHICLES shall have the same meaning as Ind. Code 9-13-2-1 as any motor vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. Abandoned Vehicles does not include farm equipment, farm implements, or machinery parts that are, or may be, used in agricultural operations, or may be considered antique farming implements.
CODE ENFORCEMENT OFFICER shall mean the individual employed or appointed by Warrick County to enforce the terms of this Chapter. The term shall also refer to the Code Enforcement Officer's deputies, assistants, and employees.
GARBAGE shall include putrescible animal and vegetable wastes, resulting from the handling, preparation, cooking, and consumption of food, and any Refuse, Rubbish, and Yard Waste as defined herein.
HEARING AUTHORITY shall mean the Code Enforcement Officer, the Warrick County Commissioner in whose district the alleged violation of this Chapter is located, and/or other employee of Warrick County as specifically designated by the Board of Commissioners of Warrick County in their discretion.
JUNK shall include, without limitation, Abandoned Vehicles, parts of vehicles, scrap iron and/or other metals, wood, paper, rags, rubber tires, bottles, and/or any dismantled household appliances or parts thereof, whether inoperable or operable.
OWNER shall mean a person holding legal or equitable title to real property used for residential or commercial purposes within the unincorporated limits of Warrick County, Indiana.
PERSON shall mean an individual, partnership, limited liability company, corporation, trust, or any commercial association or venture, however defined.
PUTRESCIBLE shall mean substances which are subject to organic decomposition.
REFUSE shall mean all putrescible and nonputrescible solid wastes, including animal wastes, and ashes.
RUBBISH shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, construction debris, and similar materials.

Ordinance 2023-~~26~~

WEEDS and **RANK VEGETATION** shall include any excessive growth of vegetation, other than trees, bushes, shrubs, ornamental plants, that is nine (9) inches or more in height and/or listed as a weed in the U.S. Department of Agriculture publication entitled *Common Weeds of the United States*, or in any similar Government publication. This term does not include ornamental plants, lawns, hay and pasture, which are maintained for that purpose in areas crops are permitted to be grown.

YARD WASTE shall mean severed grass, weeds, leaves, brush, tree trimmings, hedge clipping, and other yard and garden materials.

§ 1-57.03 **WEEDS, RANK VEGETATION, GARBAGE, AND JUNK PROHIBITED.**
(D) *Weeds, Rank Vegetation, Garbage, and Junk Declared Public Nuisances.*

Weeds, Rank Vegetation, Garbage, and Junk as herein defined that constitute violations of this Chapter are declared to be public nuisances due to the danger to the public health, safety, and welfare of the citizens of Warrick County.

(B) *Violation.*

It is a violation of this Chapter for an Owner to allow Weeds, Rank Vegetation, Garbage, and/or Junk to accumulate on real property located within Warrick County used for residential or commercial purposes, which constitute a nuisance affecting a neighborhood or community as may be determined by the Hearing Authority.

(C) *Prevention of Public Nuisances.*

All Owners shall cut and remove Weeds and Rank Vegetation and shall keep their real property clear of Garbage and Junk.

(D) *Violation Report and Violation Notice.*

All alleged violations of this Chapter shall be subject to the following:

(i) **Violation Reports.** Violations of this Chapter shall be reported on forms to be provided by and submitted to the Administrator of the Warrick County Commissioners ("Violation Report"). A Violation Report may be submitted by any citizen of Warrick County in the same neighborhood or community of the alleged nuisance.

(ii) **Inspections.** Following the submission of a Violation Report by one (1) or more neighbors or community members or the applicable Township Trustee that alleges a violation of this Chapter, the Code Enforcement Officer, or the County Commissioner in whose district the alleged violation is located, or their

Page 3 of 8

Ordinance 2023-~~26~~

designee, shall inspect the real property that is the subject of Violation Reports and file an inspection report with the Warrick County Administrator, which shall include the following determinations:

- (a) Whether the Owner has violated this Chapter;
- (b) If any of the Violation Reports were filed for purposes other than to report a violation under this Chapter; and
- (c) If the Violation Reports were submitted by neighbors or community members.

(iii) **Violation Notices.** Upon determination that the Owner has committed a violation of this Chapter, the Code Enforcement Officer, or their designee, shall issue a written notice ("Violation Notice") to the Owner and any occupants of the property. The Violation Notice shall identify the violation(s) and order the Owner to abate the public nuisance within ten (10) business days from the date on which the Owner receives the Violation Notice. Notice of abatement of service recognized in the Indiana Rules of Trial Procedure shall constitute proper service upon the Owner and any occupants of the property for the purposes of this Chapter.

(iv) **Reinspection and Determination of Penalty.** Following the Abatement Period, the Code Enforcement Officer, or their designee(s), shall conduct a reinspection of the real property to determine whether the Owner has mitigated the public nuisance(s) identified in the Violation Notice and whether any violations of this Chapter exist. In the event public nuisance(s) still exist on the property at the time of reinspection, the Code Enforcement Officer, or their designee(s), shall be authorized to issue a fine to the Owner for continued violation of this Chapter in accordance with Section (K), below.

(v) **Abandoned Vehicles Abatement Proceedings.** In the event a Violation Report identifies one (1) or more Abandoned Vehicles on the subject property, the County shall comply with all due process requirements for notice and abatements of these Abandoned Vehicles as specified under Indiana law, including Ind. Code 9-22-1, *et seq.*

(E) *Violation Notice Appeal.*

Any Violation Notice issued pursuant to this Chapter may be appealed to the Hearing Authority if written notice of appeal is served on the Hearing Authority by the Owner prior to the expiration of the Abatement Period. The timely appeal of a Violation Notice shall toll the Abatement Period pending the issuance of a decision thereon by the Hearing Authority.

(F) *Abatement of Public Nuisances.*

Page 4 of 8

Ordinance 2023-~~26~~

(i) **Weeds and Rank Vegetation.** In the event the violation(s) set forth in a Violation Notice relate to the presence of Weeds and/or Rank Vegetation, and if the Owner fails to timely abate each such violation set forth in the Violation Notice within the Abatement Period, the Code Enforcement Officer, or the County Commissioner, shall be authorized to issue an order of abatement to abate the public nuisance in the form of cutting or removing Weeds and/or Rank Vegetation. The Code Enforcement Officer and/or said County Commissioner, or their designee(s), shall be authorized to enter any area surrounded by an enclosure and to remove any lock or barrier to entry affixed to such enclosure, in order to access and abate said public nuisance. The procedure as set forth in this Subsection (F)(i) relating to the entry upon property to abate a public nuisance violation, and the subsequent abatement of the public nuisance shall not require an order of abatement issued by Warrick County Superior or Circuit Courts.

(ii) **Garbage, Junk, and Abandoned Vehicles.** For all other violations of this Chapter not related to the existence of Weeds and/or Rank Vegetation, if the Owner fails to timely abate each violation set forth in a Violation Notice within the Abatement Period, the Code Enforcement Officer or the County Attorney may file an order of abatement with the Circuit Court of said county. Said order of abatement shall grant the County or its designees permission to abate the public nuisance, including the removal of Garbage and/or Junk and any Abandoned Vehicles identified in the Violation Notice.

(iii) **Abatement Costs.** Upon completion of the abatement as set forth in this Subsection (K), the Code Enforcement Officer or the County Commissioner in whose district the violation is located, or their designee(s), shall prepare a written report of the abatement and the costs thereof. The report shall be filed with Warrick County in taking such action in addition to any penalties provided herein ("Abatement Costs"), and shall serve a copy of the invoice on the Owner. The Owner shall, within ten (10) calendar days from the date on which the Owner is served with such invoice ("Payment Period"), pay in full the amount stated thereon payable to the Warrick County Board of Commissioners.

(G) *Appeal of Costs.*

Any invoice for Abatement Costs issued pursuant to this Chapter may be appealed to the Hearing Authority if written notice of appeal is served by the Owner on the Hearing Authority within ten (10) calendar days from the date on which the invoice is served on the Owner. The

Page 5 of 8

Ordinance 2023-06

timely appeal of an invoice shall toll the Payment Period pending the issuance of a decision thereon by the Hearing Authority.

(H) Failure to Pay.

If the Owner fails to timely pay an invoice for Abatement Costs issued pursuant to this Chapter, the Hearing Authority, or its designee, shall certify to the Warrick County Auditor the amount of the invoice for Abatement Costs, plus any additional administrative costs incurred in the enforcement of the same. The Warrick County Auditor shall place the total amount so certified as a lien against the property and the total amount, including any accrued interest, shall be due and payable with the parcel's real estate tax bill.

(I) Time of Appeals.

The Hearing Authority shall issue a decision granting or denying, in whole or in part, any timely requested appeal of Notice of Violation or invoice for Abatement Costs within thirty (30) calendar days following receipt of the same, and may in its discretion meet with the Owner to discuss the appeal. The date on which the Hearing Authority's decision is served on the Owner shall thereafter become the first calendar day of the Abatement Period or Payment Period, as applicable.

(J) Miscellaneous.

- (i) Venue. The Warrick County Superior Court shall be the court of proper venue and jurisdiction for the enforcement of this Chapter and for any appeals from the Hearing Authority's final decision as to any violation.
- (ii) Cumulative Remedy. This Chapter supplements and does not limit any other remedy or action available in law or equity regarding the subject matter hereof.
- (iii) Applicability. This Chapter shall not apply to the following:
 - (a) Agricultural and industrial operations as described in Ind. Code 32-30-6-9.
 - (b) Forestry operations as described in Ind. Code 32-30-6-11.
 - (c) Real property upon which agricultural crops are cultivated, including hay and pasture, as described in Ind. Code 36-7-10.1-3(a).
 - (d) Warrick County municipal corporations as defined in Ind. Code 36-1-2-10, and Warrick County governmental units, departments, and school corporations.

Page 6 of 8

Ordinance 2023-06

(iv) Abatement Vendors. The Board of County Commissioners may invite and accept no less than two (2) reasonable bids for abatement vendors who shall be private businesses and not any department of the County. Said vendors shall provide abatement services as independent contractors for violations of this Chapter including the abatement of Weeds and Rank Vegetation, Garbage, and Junk, and the bids may be renewed and updated at various times when deemed appropriate by the Board of Commissioners.

(v) Public Nuisance Fund. Any and all Abatement Costs, fees, penalties, and fines collected pursuant to this Chapter shall be deposited into a Public Nuisance Fund or other Fund as determined by the County fiscal body for the express purpose to cover the costs of administration of the enforcement of this Chapter.

(K) Penalty.

- (i) Any Person who violates a provision of this Chapter shall incur a fine issued by the Code Enforcement Officer in accordance with the following:
 - (a) First violation - One Hundred Dollars (\$100.00).
 - (b) Second violation - Five Hundred Dollars (\$500.00).
 - (c) Third and subsequent violations - One Thousand Dollars (\$1,000.00).
- (ii) In addition to a fine as described in Subsection (K)(i), any Person who violates this Chapter shall be required to pay any Abatement Costs incurred by Warrick County in accordance with Subsection (F)(iii), which may include the following at the discretion of the Hearing Authority:
 - (a) The actual administrative costs incurred by Warrick County, or its designee, in issuing the Violation Notice;
 - (b) The actual filing fees incurred in filing the ordinance violation in Court and attorney fees of up to Two Hundred Fifty Dollars (\$250.00);
 - (c) The actual administrative and other costs incurred by the Warrick County in abating a public nuisance; and
 - (d) The actual administrative costs of Warrick County certifying the Abatement Costs to the County Auditor.

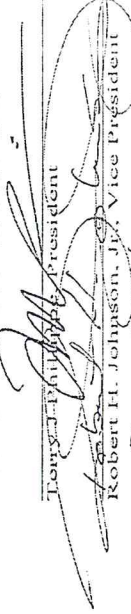
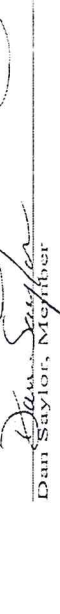
(L) Effective Date. This chapter shall be effective May 1, 2023.

Page 7 of 8

Ordinance 2023-06

The above ordinance is passed and adopted by the Warrick County Board of Commissioners this 10th day of April, 2023.

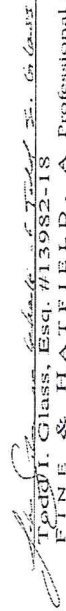
WARRICK COUNTY BOARD OF COMMISSIONERS

 President
 Robert H. Johnson, Jr., Vice President
 Dan Saylor, Member

ATTEST:


 Michael Ditzsch, Auditor
 Warrick County, Indiana

APPROVED AS TO LEGAL FORM:


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

APPROVED FEB 13 2023



3201 Interstate Drive - Evansville, IN 47715
Phone: (812) 479-7000 - FAX: (812) 479-7100
www.warrickconst.com

Invoice # 15338
Date: 07/31/2023

APR 19 2023

Billed To: WARRICK COUNTY HIGHWAY DEPARTMENT
NEW FIRE ENGINE BARN
BOONVILLE IN 47801

Project: WARRICK COUNTY HIGHWAY DEPARTMENT
NEW FIRE ENGINE BARN
BOONVILLE IN 47801

Due Date: 03/01/2023

Terms: 30DY

Order# 3140-21

Description:
JANUARY BILLING

Amount:
31,169.67

Non-Taxable Amount:	31,169.67
Less Retainage	0.00
Amount Due	31,169.67

PERFORMANCE • QUALITY • SAFETY • SINCE 1983

AIA Document G702 - 1992

Application and Certificate for Payment

TO OWNER: Robert B. Howard, P.E. PROJECT: Warrick County Highway Dept District 1 APPLICATION NO: 011
Warrick County Highway Department PERIOD TO: January 31, 2023
555 Roth Road Boonville, IN
FROM: Warrick County Highway Department ARCHITECT: Lumar Architecture & Design
3201 Interstate Drive, Evansville, IN 47715 CONTRACTOR: 3201 Interstate Drive, Evansville, IN 47715 PROJECT NOS: 3446/731 /

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment as shown below, in connection with the Contract, AIA Document G702, as amended, and the Contract Documents, including the Schedule of Values, which are attached to this Application. The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM \$1,745,000.00
 2. NET CHANGE BY CHANGE ORDERS \$92,937.00
 3. CONTRACT SUM TO DATE (Lines 1 & 2) \$1,837,937.00
 4. TOTAL COMPLETED & STORED TO DATE (Column G on G702) \$1,784,819.22
 a. 5.00 % of Completed Work \$89,240.96
 b. 0.00 % of Stored Material (Column F on G702) \$0.00
 Total Retainage (Lines 5a + 5b or Total in Column I of G702) \$89,240.96
 6. TOTAL EARNED LESS RETAINAGE \$1,692,972.37
 (Line 4 Less Line 5 Total)
 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$1,661,752.80
 (Line 6 from prior Certificate)
 8. CURRENT PAYMENT DUE \$31,169.57
 (Line 7 less Line 6)
 9. BALANCE TO FINISH, INCLUDING RETAINAGE \$145,014.63
 (Line 3 less Line 6)

CHARGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total change in previous months by Owner	\$92,937.00	\$0.00
Total approved this Month	\$92,937.00	\$0.00
TOTALS	\$92,937.00	\$0.00

NET CHANGES by Change Order: \$92,937.00
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AIA Document G703 - 1992

Continuation Sheet

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A	B	C	D	E	F	G	H	I	
ITEM NO.	DISCUSSION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	MATERIALS STORED PRESENTLY (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G+C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
014000	Board	15,400.00	15,400.00	0.00	0.00	15,400.00	100.00%	0.00	770.00
015000	General Conditions	203,287.00	187,024.04	8,131.48	0.00	195,155.52	96.00%	8,131.48	10,164.35
022000	Concrete	146,370.00	134,660.40	2,927.40	0.00	137,587.80	94.00%	8,782.20	7,118.50
042200	Structural Steel	31,390.00	31,390.00	0.00	0.00	31,390.00	100.00%	0.00	2,779.50
050000	Fabrication	70,275.00	70,275.00	0.00	0.00	70,275.00	100.00%	0.00	3,413.75
051200	Structural Steel Erection	17,100.00	17,100.00	0.00	0.00	17,100.00	100.00%	0.00	853.00
061000	Rough Carpentry	600.00	600.00	0.00	0.00	600.00	100.00%	0.00	30.00
064116	Plastic-Luminate-Friend	3,769.00	0.00	0.00	0.00	0.00	0.00%	3,769.00	188.45
072100	Thermal Insulation	162.00	162.00	0.00	0.00	162.00	100.00%	0.00	8.10
079270	Joint Sealants	1,005.00	500.00	250.00	0.00	750.00	75.00%	250.00	50.00
081000	Doors, Frames and	16,163.00	15,354.85	808.15	0.00	16,163.00	100.00%	0.00	808.15
083600	Overhead Doors	69,280.00	62,932.00	3,468.00	0.00	65,390.00	95.00%	3,461.00	3,461.00
088800	Glazing	12,200.00	12,200.00	0.00	0.00	12,200.00	100.00%	0.00	610.00
092216	Non Structural Metal	5,850.00	5,850.00	0.00	0.00	5,850.00	100.00%	0.00	292.50
092900	Stud Framing	6,547.00	6,547.00	0.00	0.00	6,547.00	100.00%	0.00	327.35
095113	Acoustical Panel	5,075.00	5,075.00	0.00	0.00	5,075.00	100.00%	0.00	253.75
096519	Ceilings	14,000.00	11,900.00	2,100.00	0.00	14,000.00	100.00%	0.00	700.00
099100	Paint & Coatings	4,700.00	4,700.00	441.00	0.00	4,700.00	100.00%	0.00	735.00
102800	Paint Accessories	2,405.00	2,405.00	0.00	0.00	2,405.00	100.00%	0.00	120.00
104400	Fire Extinguisher and Cabinets	290.00	290.00	0.00	0.00	290.00	100.00%	0.00	14.50

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
133500	Pre Engineered Metal Building	386,075.00	386,075.00	0.00	0.00	0.00	386,075.00	0.00	19,303.75
220000	Plumbing	178,300.00	174,734.00	3,566.00	0.00	0.00	178,300.00	0.00	8,915.00
221319	Grease Trap	18,500.00	18,500.00	0.00	0.00	0.00	18,500.00	0.00	925.00
221426	Trench Drains	30,860.00	30,860.00	0.00	0.00	0.00	30,860.00	0.00	1,543.00
230000	HVAC	38,740.00	37,965.20	774.80	0.00	0.00	38,740.00	0.00	1,937.00
260000	Electrical	210,600.00	200,070.00	6,318.00	0.00	0.00	206,388.00	4,212.00	10,530.00
310000	Sitework	132,415.00	112,552.75	0.00	0.00	0.00	112,552.75	19,862.25	6,620.75
323100	Fencing and Gates	93,452.00	93,452.00	0.00	0.00	0.00	93,452.00	0.00	4,672.60
	Change Order 1	92,937.00	86,431.41	1,858.74	0.00	0.00	88,290.15	4,646.85	4,646.85
	GRAND TOTAL	\$1,837,937.00	\$1,753,649.65	\$51,169.57	\$0.00	\$0.00	\$1,794,819.22	\$53,117.78	\$91,896.85

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User Notes:
(339ADAB5)

State of Indiana
County of Vanderburgh

Contractor's Partial
Affidavit and Waiver of Lien

Dan Jones of Danco Construction, Inc. being fully sworn, says that he is a President of Danco Construction, Inc. (hereinafter referred to as the "Company") and is familiar with the facts herein stated:

That said Company performed work and labor and furnished material to Warrick County Highway Department (herein referred to as the "Owner") for use in the construction of certain buildings and work known as the Warrick County Highway Dept District 1 Highway and Stormwater Garage.

That the Owner has paid the Company the sum of \$1,661,752.80 Dollars to date on account of that work, labor, material and equipment; That the Company has fully paid for all work, materialmen upon said premises as represented by this sum;

That the current amount due the Company from the Owner is \$31,169.57 Dollars on account of that work, labor, material and equipment; That within ten (10) days after receipt of payment of said amount the Company shall fully pay for all work, labor, material and equipment furnished by it or by its subcontractors or materialmen upon said premises as represented by this amount;


That the Company hereby waives all liens and claims against the Owner of said buildings, work, its premises and property, and all claims against Warrick County Highway Department, and further he represents that no other person or party has any right to a lien on account of any work performed or material furnished by said Company.

By: 

Title: Precipient Date: 01-30-23

Sworn to before me and subscribed in my presence this 30th day of January, 2023.


NOTARY PUBLIC


LAURIE A. SHOULDEERS
Notary Public, State of Indiana
Resident of Warrick County, IN
My Commission Expires: November 1, 2026
Commission Number NF-0716717