

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
August 28, 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 Todd Glass and Administrator Heather Soberg were in attendance.

Auditor Michael Dietsch, Chief Deputy Barbi Shelton, and Recording Secretary Kristine Georges attended and recorded the minutes.

Commissioner Meetings can be viewed via YouTube: Warrick County Meetings

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

PLEDGE OF ALLEGIANCE

There was no business for Area Plan.

AREA PLAN COMMISSION

**ITEMS FOR DISCUSSION
WEIGHTS & MEASURES QUARTERLY REPORT**

Mr. Mike Arnold was present to discuss his quarterly report. He tested over nineteen hundred forty-six (1,946) pieces of equipment in 2022. He said in the last quarter he did four hundred thirty-nine (439) gas pumps with thirty-eight (38) rejections. All rejections were corrected. Mr. Arnold inspected twenty-four (24) scales. One (1) was red tagged and it is permanently out of commission. It will not be put back in service. He had nothing else to present. There were no questions. The Commissioners thanked him for his work.

(Weights & Measures Report located on Page 4 of these Official Minutes)

**ACTION AGENDA
APPROVAL OF MINUTES
AUGUST 14, 2023**

The minutes from the August 14, 2023 Regular Session meeting were presented to the Commissioners for approval. Commissioner Bob Johnson made the motion to approve the minutes. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**COUNTY ADMINISTRATOR
KELLER SCHROEDER IDRAC & SERVER SUPPORT RENEWAL**

Administrator Heather Soberg started with the Keller Schroeder renewal she stated just needed to be removed from the agenda. It is no longer needed. Commissioner Bob Johnson made the motion to remove from the agenda. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

YANKEETOWN VOLUNTEER FIRE DEPARTMENT ROAD CLOSURE REQUEST

Ms. Soberg presented a road closure request for the Yankeetown Volunteer Fire Department. Commissioner Dan Saylor made the motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

CONSENT AGENDA

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

- County Auditor Claims Voucher - Report Date 08/23/2023
- Payroll Voucher 08/25/2023
- Clerk's Monthly Report July 2023
- Treasurer's Monthly Report July 2023
- Weights and Measures Monthly Report July 13- August 15, 2023
- Telephone Road Parcel 61 Administrative Settlement
- Surplus Declaration of Scales Lake Playground Equipment

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

There was a brief discussion after the vote on a hold harmless for any party that receives any playground equipment that has been declared surplus. Loge Elementary is one that would like a piece of the playground equipment. Attorney Glass stated that they had a hold harmless in the works and it can be finalized by Tuesday and sent wherever it is needed. Ms. Soberg said that she had talked with Attorney Skinner and he will get with the School Corporation's attorney on the matter.

(Claims are located on Pages 5 through 7 of these Official Minutes)

(Payroll is located on Page 7 of these Official Minutes)

(Clerk's Report is located on Page 8 of these Official Minutes)

(Treasurer's is located on Page 8 of these Official Minutes)

(Parcel 61 Administrative Settlement is located on Page 8 of these Official Minutes)

**COUNTY ATTORNEY
DEEDS OF RIGHT-OF-WAY AND DEDICATION FOR PART OF
WARRICK TRAILS PROJECT**

Attorney Todd Glass presented deeds for right-of-way and dedication of a portion of the Warrick Trails Project. This is located on the west side of Anderson Road north of Lincoln Avenue. The project also includes grants of temporary construction easements along the same area.

Mr. Jim Morley, Jr., with Morley and Associates was present to discuss the project. He said that this will dedicate the right-of-way on two parcels. He also said this is the last of the rights-of-way needed to get from the new roundabout at Anderson and Vann Roads to Amax.

Attorney Glass said that everything had been reviewed and the Commissioners just needed to accept the deeds of right-of-way and then dedicate the rights-of-way. All could be approved with one motion. Commissioner Bob Johnson made a motion to accept the deeds of right-of-way. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

Commissioner Dan Saylor then moved to dedicate the rights-of-way. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(ROW & Dedication is located on File in the Auditor's Office)

**COUNTY ENGINEER/HIGHWAY
BRIDGE 310 REIMBURSABLE UTILITY AGREEMENT**

Assistant Engineer/Superintendent Steve Sherwood was present for County Engineer Bobby Howard. He presented the Bridge 310 Project Reimbursable Utility Agreement from CenterPoint Energy and needed approval. Attorney Glass said that it had been reviewed and was in order. Commissioner Dan Saylor made a motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Bridge 310 Reimbursable Utility Agreement is located on File in the Auditor's Office)

BRIDGE 221 CONTRACT WITH CIVILCON

Mr. Sherwood presented the Bridge 221 Contract with CivilCon. Attorney Glass stated that they reviewed the contract and the only issue they saw was increasing the payment terms from thirty (30) to sixty (60) days. Mr. Sherwood said that Mr. Greg Siegrist, Vice President from CivilCon, was present. President Phillippe asked Mr. Siegrist to come forward. Mr. Siegrist said that changing those terms was not an issue. Commissioner Bob Johnson made the motion to approve the contract with the payment term of thirty (30) days changed to sixty (60) days. Commissioner Dan Saylor seconded the motion. The motion carried 3-0. Attorney Glass said that the thirty (30) days could be stricken out and changed to sixty (60) days and initialed. Mr. Sherwood had no other business.

(Bridge 221 Contract is located on File in the Auditor's Office)

**GRANTS DEVELOPMENT DIRECTOR
ARPA COUNTY PROJECTS
SCALES LAKE PLAYGROUND
APPROVAL OF BIEBER PROPOSAL**

Grants Development Director Debbie Bennett-Stearsman went over two items in conjunction with the Scales Lake Playground Project that were using ARPA Funds. Ms. Bennett-Stearsman went over the history of the project. The original contract for the project was approved for \$476,131.00. The total ARPA funding for the project was \$480,000.00. The excavation that was taken out of the original contract now needs to be done. She presented a proposal from Bieber Services for the work. The total cost for this would be \$8,900.00. If approved, it would make the ARPA obligation \$5,031.00 in the negative. Her request is to approve the quote from Bieber Services and to approve an additional \$5,031.00 to the Scales Lake Playground Improvement Project.

President Phillippe thought that this was the plan all along. He wasn't sure why they didn't get the paperwork, but they didn't, so this is what needed to be done today. It's basically an adjustment.

Commissioner Bob Johnson made a motion to approve the changes and proposal for \$8,900.00. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(All ARPA Project Paperwork is located on File in the Grants Department)

TRANSFER OF ADDITIONAL FUNDS FOR THE PLAYGROUND PROJECT

President Phillippe state that they needed to transfer additional funds in the amount of \$5,031.00 for the project. Commissioner Bob Johnson made the motion. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

CLERK'S OFFICE FURNITURE AND EQUIPMENT

Ms. Bennett-Stearsman presented a request of ARPA funds by the Clerk's Office for the replacement of the office furniture and equipment. They will be matching a portion of their total request. The total cost is \$42,503.00. They will be putting towards it a portion of Child Support payments of \$2,482.17 making the balance for that portion \$40,020.83. The second is to do the same in the Child Support Office in the amount of \$6,456.00. They would apply \$3,586.00 for a total due of \$2,869.70. So, the total of the two offices is \$42,890.53. The Clerk wished to split it 50%/50% and is asking the county for \$21,445.53. In ordering equipment, there was a need to do the Election Office as well. However, none of the money from the Clerk's Office can be applied towards the Election Office. So, the amount for the Election Office is \$7,679.00. The balance needed for the Election Office and Clerk's Office in total is \$29,124.53 from ARPA.

President Phillippe stated that he thought that this had already been approved. Administrator Soberg said that consent was given to fund them, but not how they would be funded. This is why Ms. Bennett-Stearsman was bringing it before the Commissioners. There will have to be a transfer of ARPA funds to pay for the project.

President Phillippe also wanted to say that new carpeting had just been put down in the building. The Clerk's Office still had the original furniture from the construction of the building about thirty years ago. As it was being moved in and out, it was pretty much trashed and this is why they were doing this.

Commission Saylor stated that they were paying 50% of what they could. He understood about the Election Office. Commissioner Phillippe said that they could take it out of another line item. There was a brief discussion on this money coming from a different source such as Cum Cap.

Commissioner Saylor said that they didn't have enough money to do this in all the offices, so, they needed to be consistent and fair throughout. If a department is coming in and kicking in half, then it's something they can consider. Commissioner Johnson said that that was fair. Commissioner Saylor was fine with the Clerk's Office, but concerned with the Election Office. He thought it would all be 50%. Ms. Bennett-Stearsman stated that if the Election Office would have been done separately from the Clerk's Office, they wouldn't have gotten the discount. It amounted to a savings of about \$3,000.00.


President Phillippe said that he preferred for it to come out of the County ARPA Funds. Ms. Bennett-Stearsman said there was still about \$1,200,000.00 left of the ARPA money not already obligated for something else. Commissioner Bob Johnson made the motion to approve the funding from ARPA Funds. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

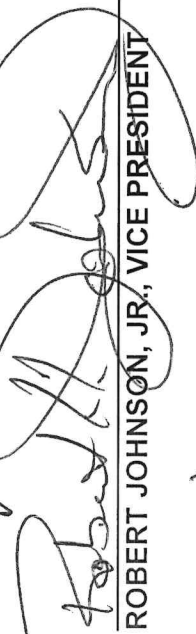
(All ARPA Project Paperwork is located on File in the Grants Department)

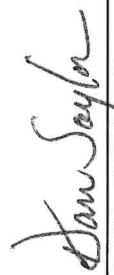
ADJOURNMENT

The next Warrick County Commissioners' meeting will be held on Monday, September 11, 2023 in the Commissioners' meeting room at 4:00 PM. Commissioner Dan Saylor made the motion to adjourn. Commissioner Bob Johnson seconded the motion. The motion carried 3-0. Meeting adjourned at 4:22 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



WEIGHTS AND MEASURES MONTHLY REPORT

Indiana Division of Weights & Measures
2525 N Shadeland Ave., Ste D13, Indianapolis, Indiana 46219
Office: (317) 356-7078 • Fax: (317) 351-2877
INDIANA.DIGOV



Inspector: Mike Arnold
Jurisdiction: WARRICK
Date Start: July 16, 2023
Date End: August 15, 2023

INSPECTION ACTIVITIES	Correct	Rejected	Confiscated	TOTAL
SALES				
Scale - State Police				0
Scale - State Inspection				0
Scale - City or County				0
aircraft Scales				0
Self-Contained Scales				0
Vehicle Scales				0
Variable & Permanent Scales	2			2
Apparatus Scales				0
Counting Scales	4			4
Dispensing Scales				0
Rescription Scales				0
Ram Scales				0
Non-Commercial Scales				0
MEASURING DEVICES				
EG Meters				0
NG Meters				0
Truck Meters				0
Asphalt, Kerosene, Diesel Tests	184	10		194
High Flow Diesel Tests				0
Visa Flow Meters				0
Visi Meters				0
Timing Devices				0
LIBERATIONS AND TESTS				
Commercial Weights				0
Rescription Weights				0
Test Weights				0
Field Measures				0
Post Measures				0
Miscellaneous				0
OTHER ACTIVITIES				
Sealages Checked				0
Revised				0
Gas Cylinders				0
Indiana Samples				0
Truck				0
Acc. Determinations				0
GRAND TOTAL	190	10	0	200

COMMENTS
 (Explain Miscellaneous Tests and Activities)

Drove Pass Hucks on Grove Grove Newburgh 3rd week straight the firewood sign is down. 7-18-23 the 93 octane red tagged at On The Fly in Newburgh was corrected via te All of my seals at Phillips 66 on old 261 had been remove I tried to retest the 93 octane at On The Fly I retagged it out 6-5-23 sign is back in place at Hucks Oak grove And the pu and on the fly 93 octane is corrected. 1 Red 2 nozzles at Hu on 66 in Newburgh, Pump 8 93 Didn't work correctly and pump 16 93 was giving over a .5 gallons on 5 gallons. Fastbreak Newburgh 4 rejected nozzles Pump 5 87 octane Red Tagged over of tolerance under the other 3 nozzles are over, not red tagged 6-25-23 I retested the red tagged pump 16 93 octane it is approved.

MONTHLY REPORT - CLERK OF WARRICK COUNTY CIRCUIT & SUPERIOR COURTS

Table with columns for Month End (July 2023), Report Period (07/01/23-07/31/23), and Warrick County. Rows include CHARGES (Daily Balance Record and ISETS Daily Support Book), DEBITORS (Fees payable to the State, Fees payable to the County, etc.), CREDITS (Judgment Collections & Refunds, etc.), and DEPOSITORY RECONCILEMENT (Balance per Statements, Cash on hand, etc.).

1. Clerk: Robert White, fin 3
2. Auditor: Betty Reynolds, fin 3
3. County Clerk: Kelly Reed, fin 3

RECEIVED
AUG 11 2023
WARRICK CO AUDITOR

COUNTY TREASURER'S MONTHLY REPORT

Table with columns for Month ending (July 31, 2023) and WARRICK COUNTY. Rows include CHARGES (Taxes Collected, Advances Collections of Taxes, etc.), DEBITORS (Cash Disbursements, etc.), CREDITS (Taxes Collected, Advances Collections of Taxes, etc.), and DEPOSITORY RECONCILEMENT (Balance per Statements, Cash on hand, etc.).

MEMORANDUM

TO: Warrick County Board of Commissioners
THRU: Ed Slator, Right of Way Services
Lochmueller Group, Inc.
RW AGENT: Peggy A. Raiston, Right of Way Agent
Lochmueller Group, Inc.
DATE: 8/11/2023
SUBJECT: Recommendation for Administrative Settlement

The County's fair market value determination of \$2,880,000 for 400 SE of permanent right-of-way and 2.816% of temporary right-of-way, land improvements, and severance damages, was offered to the Owner. The Owner rejected this offer and demanded an additional \$5,000,000 for replacing the remainder of the driveway leading up to the front of the parcel. The County has reviewed the appraisal and has determined that the fair market value of the parcel is \$2,880,000. If the entire driveway is not redone since such a large percentage of the driveway is being replaced with the project, the County is required to make every reasonable effort to acquire said property expeditiously by agreements with owners, and to avoid litigation and delay in condemnation in the County. Reasonable efforts to negotiate an agreement at County's appraised value have failed. The Owner has demanded an additional \$5,000,000 for the parcel which represents a 52% increase over the appraised value. The review appraiser has reviewed the property owner's counteroffer and has indicated he believes the counteroffer has merit. As an alternative, the condemnation process will take 4 to 6 months to clear the parcel, and on the average 1 year to settle the case. The average settlement is 30% more than the offered amount. Plus, the County will incur an average of \$25,000 per acre in legal fees and the County will incur an average of \$100,000 per acre in legal fees for their legal fee up to \$25,000. Also, acquiring the parcel through eminent domain liability jeopardizes the project schedule. We believe, therefore, it is in the best interest of the County to settle this parcel for \$13,880,000. This is an increase of \$5,000,000 over the fair market value. A great deal of time and money can be saved by settling this parcel as opposed to acquiring it through condemnation. In the interest of expediting the acquisition, keeping the project on schedule, and controlling costs, the County has determined that an administrative settlement is reasonable, prudent, and in the public interest.

THIS RECOMMENDATION APPROVED:
Terry Johnson, President
Robert D. Johnson, Jr., Vice President
Dan Skyles, Member