

**WARRICK COUNTY BOARD OF COMMISSIONERS MEETING**  
REGULAR SESSION  
**COMMISSIONERS MEETING ROOM**  
107 W. Locust Street, Suite 303  
Boonville, Indiana  
October 9, 2023  
4:00 P.M.

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

Attorney Andrew Skinner and Administrator Heather Soberg were in attendance.

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**

#### **PUBLIC STATEMENT ADDRESSING RADON LAWSUIT**

President Terry Phillippe read the following statement to the public:

The Warrick County Commissioners wish to make a statement concerning the issue that has been published in the news regarding radon in the Old Courthouse. Radon is a naturally occurring gas that permeates from the soil and is found in the air. It is regrettable that instead of coming to the Commissioners and voicing concerns and having a constructive conversation about the issue, several employees have elected to retain legal counsel and threaten a lawsuit. Instead of sharing with the Commissioners vital information that would serve the interests of all employees, some of these employees chose to withhold information regarding radon levels in their offices. Thomas Stallkamp, the former CEO of Chrysler, once said: The secret is to gang up on the problem, rather than each other. It is and has always been the stance of this body of Commissioners that open dialogue, the open exchange of ideas, and teamwork are essential to the success of Warrick County.

Even prior to this Tort Claim Notice, the Commissioners were already working on a plan to investigate and address any radon issues in the Old Courthouse. The Commissioners have retained the services of experts to test the air inside the Old Courthouse to fully understand what, if any, areas need to be addressed. To date, the Commissioners have completed several rounds of investigative testing and implemented several mitigation strategies. A seven-day commercial-grade digital radon test has been completed in the basement. Over fifty charcoal canister radon testing kits were placed around the building and after seventy-two hours, were sent to a professional lab for testing. In terms of mitigation efforts, the Commissioners initially installed a temporary industrial fan in the basement that aided in ventilation of the basement area. Additionally, the Commissioners have reprogrammed the air exchange units to run 24/7. Each of these two units pull fresh air into the building at a rate of 1,236 cubic feet per minute.

The Commissioners are happy to report that the levels of radon on the 2<sup>nd</sup> and 3<sup>rd</sup> floors are below the level of any recommended action by the EPA or Indiana State Department of Health. Results from the 1<sup>st</sup> floor tests indicated some mitigation may be warranted in selected areas of the 1<sup>st</sup> floor, which was implemented immediately. The Commissioners have already ordered a second round of charcoal canister tests to evaluate the effectiveness of these mitigation measures. Additionally, the digital radon test device has been placed in a strategic area to more quickly evaluate the effectiveness of the mitigation measures in that area, and as of this morning, results indicate significantly lower levels in this area.

The Commissioners quickly arranged for temporary office space for all employees working on the 1<sup>st</sup> floor so that those vital services remain available to the citizens of Warrick County. All offices on the 2<sup>nd</sup> and 3<sup>rd</sup> floor are open for business, and employees and members of the public can have confidence in their safety using the facilities here at the Old Courthouse. The Commissioners will continue to monitor the situation and make modifications as necessary.

The Commissioners wish to assure all employees and the public that your health and safety have, and always will be, of paramount importance. The Commissioners are committed to providing a safe workplace environment for all employees and will take all reasonable steps to evaluate and mitigate radon levels in the Old Courthouse. The Commissioners would also like to take this opportunity to raise awareness of radon and encourage all individuals to have their homes tested as approximately one in four homes in Indiana have elevated radon levels. Thank you.

#### **AREA PLAN COMMISSION REQUEST FOR REDUCTION OF SURETY WOODFIELD III & IV SUBDIVISION**

Area Plan Director Molly Barnhill presented a Request to Reduce Surety. It was Woodfield Development, LLC by Steve Blankenberger, Owner. They are holding two letters of credit with a total amount of \$24,898.50 for sidewalk construction. Phase III has had fifteen years and Phase IV has had eight years. They are requesting an additional

year at a reduced amount of \$10,659.00 and to combine Phase III & Phase IV into one letter of credit. The letter of credit expires November 4, 2023 for Phase IV and March 4, 2024 for Phase III. She said the inspector did go out there and came up with another dollar amount, \$11,665.50 and County Engineer Bobby Howard signed off that this would be sufficient. Steve Blankenberger was present to answer any questions. Bobby Howard again stated that the dollar amount as amended was sufficient. Commissioner Bob Johnson made the motion to approve the reduction. Commissioner Saylor Dan seconded the motion. The motion carried 3-0.

*(Reduction for Woodfield III & IV are located on File in the Auditor's Office)*

**REQUEST TO REZONE  
PC-R-23-09  
ORDINANCE 2023-21**

Next, Ms. Barnhill presented a request to rezone. PC-R-23-09, Ziliak Investments LLC, by Lonnie Ziliak, who is the petitioner and owner. This is to rezone 5.077 acres located on the north side of Seven Hills Road approximately nine hundred feet west of the intersection formed by Seven Hills Road and St. Johns Road from M-2, General Industrial Zoning District to A, Agricultural Zoning District. Being Lot 7 in Elberfeld Industrial Park #2 Subdivision recorded in Document #2023R-006392 in the Warrick County Recorder's Office. Greer Township 30-4-9. The APC Board voted unanimously to approve the rezoning. Jason Fuhs, surveyor and Mr. Ziliak were present to answer questions. Commissioner Dan Saylor made the motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(Ordinance 2023-21 is located on Page 6 of these Official Minutes)*

**STREET ACCEPTANCE  
ESSEX AT BERKSHIRE PUD PHASE I**

Ms. Barnhill presented a Street Acceptance for Essex at Berkshire PUD Phase I by Ukon, INC, Danny Ubelhor, Managing Member. This includes Ashdon Drive, 1100.9 lineal feet; Jackson Drive, 85.0 lineal feet; Chelmsford Drive, 85.0 lineal feet; and Alaina Drive, 120.0 lineal feet. The County is holding a letter of credit in the amount of \$54,574.30. They have had two years. The letter of credit expires on November 8, 2023. This was tabled at the last Commissioners meeting on September 25, 2023. Jim Morley, Jr. was present to answer questions. County Engineer Bobby Howard recommended acceptance. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(Essex at Berkshire approval is located on located on File in the Auditor's Office)*

**BERKSHIRE PHASE 5**

The second Street Acceptance was for Berkshire Phase 5 by Maken Corporation, Danny Ubelhor, Managing Member. This includes Brompton Drive at 592.3 lineal feet, Abbe Wood Drive at 148.8 lineal feet, and Camden Drive at 792.8 lineal feet. The County is holding a letter of credit in the amount of \$49,392.20. They have had three years. The letter of credit expires October 27, 2023. This was tabled at the September 25, 2023 Commissioner meeting. Jim Morley, Jr. was present.

Mr. Morley said there was a small punch list to be completed, but almost all of it was done. They are waiting for castings to come in. The issue is that the letter of credit will expire before the next Commissioners meeting. They then discussed ways that it could be handled since it is almost done. The castings that they are waiting on should come in today and they were going to be put in. Mr. Howard didn't have an issue with them approving subject to the punch list being completed by the 17<sup>th</sup> and if they're not, submit a cashier's check for what is remaining on the checklist.

Ms. Barnhill asked if there was a dollar amount for what was remaining. Mr. Howard said he would have once he knew what was remaining. Ms. Barnhill stated that the current remaining amount was almost \$50,000.00. Mr. Howard said that most of that was already completed. He thinks what is left is probably \$5,000.00 or less. Mr. Morley was fine to set it at \$5,000.00 if it's not done by that date.

Mr. Howard asked Ms. Barnhill, if Mr. Morley was willing to get the cashier's check, could he go the two weeks and it be tabled. If it's not done by the two weeks, he would submit the check. Ms. Barnhill said if it's not done and Mr. Howard has a lesser amount he would approve, it would be up to the Commissioners to accept a cashier's check at that point in time since there would be no time to get a new letter of credit. The Commissioners were in agreement with that option. Commissioner Dan Saylor made the motion to table the acceptance and that a cashier's check would be required if there were still items on the punch list to be completed in the amount of the unfinished items. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**STREET CONSTRUCTION PLANS  
PP-23-09 WOLF ESTATES**

Ms. Barnhill presented three Street Construction Plans. The first was PP-23-09, Wolf Estates, by petitioner and owner Steve Wolf. It's approximately 11.834 acres located on the east side of St. Johns Road and approximately 150 feet south of the intersection formed by St. Johns Road and Diney Hill Road. It's in Campbell Township, 32-4-9. The complete legal is on file. It was advertised in the Standard on September 28, 2023. They are requesting no improvements to St. Johns Road. County Engineer Bobby Howard has reviewed and signed off. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(PP-23-09 is located on File in the Auditor's Office)*

**PP-23-14 SADDLE RIDGE**

Next, Ms. Barnhill presented PP-23-09, Saddle Ridge, by petitioner and owner Brenda K. Byers. It's approximately 70.811 acres located on the west side of Rockport Road and approximately 100 feet south from the intersection formed by Rockport Road and Geyer Road. It's in Boon Township 1-6-7 and 6-6-7. The complete legal is on file. It was advertised in the Standard on September 28, 2023. They are requesting no improvements to Rockport Road. Glen Meritt was present to answer any questions. He stated that all the lots would access Rockport Road as there were no internal roads. There are seven lots. Mr. Howard recommended approval. Commissioner Dan Saylor made the motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(PP-23-14 is on located on File in the Auditor's Office)*

**PP-23-15 LIGHTHOUSE LANDING**

Last was PP-23-15, Lighthouse Landing, by petitioner and owner AGS Properties, LLC by Sarah Mauck, Managing Member. It's approximately 5.179 acres located on the south side of State Road 662 and approximately 0 feet east of the intersection formed by State Road 662 and Pollack Avenue. Being Lot 1 in Waterworks #1 Minor Subdivision as recorded in Document #2009R-010761 in the Warrick County Recorder's Office. It's Ohio Township, 33-6-9. It was advertised in the Standard on September 28, 2023. They are requesting no improvements to Pollack Avenue. Glen Meritt was present to represent AGS Properties. He briefly reviewed the project. Mr. Howard recommended approval. Commissioner Dan Saylor made the motion to approve the plans. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(PP-23-15 is on located on File in the Auditor's Office)*

**ACTION AGENDA  
APPROVAL OF MINUTES  
SEPTEMBER 25, 2023**

Minutes for the September 25, 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  
CONSENT AGENDA**

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

- County Auditor Claims Voucher - Report Date 10/04/2023 in the amount of \$4,288,601.81
- Payroll Voucher 10/06/23 in the amount of \$602,488.60
- Adjusted Payroll Voucher 09/22/23 the additional amount of \$3,088.62
- Clerk's Monthly Report September 2023
- Acceptance of estimate for N.M. Bunge for plaster removal and tuck pointing for Grants Department Office

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

*(Claims are located on Pages 7 through 9 of these Official Minutes)*

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

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

*(Clerk's Report is located on Page 10 of these Official Minutes)*

*(N.M. Bunge Estimate is located on Pages 10 through 11 of these Official Minutes)*

**COUNTY ATTORNEY  
AMENDING CLAIMS PROCEDURE  
ORDINANCE 2023-22**

Attorney Andrew Skinner presented amendments to the claims' procedure. This amendment permits advance payments to be made under certain scenarios for goods and services. It also deletes Section 6 of the previous Claims Ordinance. There is additional language added to Section D for claims paid by the Auditor allowing payments to contractors for public works projects as well as goods and services being purchased prior to delivery of said goods and services pursuant to Indiana Code. It also permits online payments to be made as applicable and appropriate as deemed by the Auditor. Auditor Dietsch had no questions or comments. Commissioner Bob Johnson made the motion to approve Ordinance 2023-22. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(Ordinance 2023-22 is located on Pages 11 through 12 of these Official Minutes)*

**INTERLOCAL AGREEMENT WITH THE TOWN OF LYNNVILLE**

Attorney Skinner presented an Interlocal Agreement with the Town of Lynnville. This involves a reclamation project that is going on in the park outside of Lynnville. The Park and the Town has requested access to a portion of property owned by the County where the current EMS building is located so they can construct a second access road into the parks. This Interlocal Agreement would provide that they have access and permission to build that road over the County property. In exchange, the Town will maintain all of the grounds where the EMS building is located. If this is approved by the Commissioners, then this would go in front of the Town Council of Lynnville and they would review and approve the same or similar Ordinance at their town meeting.

Commissioner Phillippe asked if they had already agreed to this or if the County was first in line. Attorney Skinner said they agreed in principle, but not at a meeting. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(Lynnville Interlocal is located on File in the Auditor's Office)*

**RIGHT OF ENTRY AGREEMENT WITH THE INDIANA DEPARTMENT OF NATURAL RESOURCES DIVISION OF RECLAMATION**

Along with the Interlocal Agreement with the Town of Lynnville, there is also a Right of Entry Agreement with the Indiana DNR Division of Reclamation to enter onto the property owned by the County in order to complete the construction of this new road. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

*(Right of Entry Agreement with DNR is located on Page 12 of these Official Minutes)*

**COUNTY ENGINEER/HIGHWAY ANDERSON ROAD TRAIL PLANS**

County Engineer Bobby Howard presented Anderson Road Trail Plans. This is to connect the trail from the improvements being made at Anderson and Vann south to Lincoln Avenue. Those plans have been submitted to his office for review. He recommended their approval. Commissioner Dan Saylor made the motion to approve the plans. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**EPWORTH ROAD PE AMENDMENT 1**

Next, Mr. Howard presented and amendment to the Epworth Road Project. This is Amendment #1 with Lochmueller and would be for an archeological study to be completed in the southwest quadrant of Epworth and State Road 662 for an additional cost of \$15,100.00. Mr. Howard said this study was required. Commissioner Dan Saylor made the motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(Amendment #1 is located on Pages 12 through 14 of these Official Minutes)*

**BRIDGE 310 CONTRACT FOR CE WITH AMERICAN STRUCTUREPOINT**

Mr. Howard presented contract for Bridge 310 for CE Services with American Structurepoint. This would be for construction inspection. This had been reviewed by INDOT and is an 80%-20% project. The total cost is \$357,492.08. He recommended approval of the contract.

Attorney Skinner asked that it be approved subject to attorney review. Mr. Howard stated that it was a boilerplate and pretty standard contract. Attorney Skinner agreed, but wished for a quick review. Commissioner Dan Saylor made a motion to approve the contract subject to attorney review. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(American Structurepoint Contract is located on File in the Auditor's Office)*

**GRANTS DEVELOPMENT DIRECTOR REQUEST FOR ADDITIONAL COMPETITIVE ARPA FUNDING NEWBURGH RIVER TOWN TRAIL**

Grants Development Director Debbie Bennett-Stearnsman presented the request for additional ARPA funding for the Newburgh River Town Trail which was tabled at the last Commissioners meeting. The request is for an additional \$40,790.00. She read a letter from County Councilman Chris Whetstone in support of the project as well as giving background and current information on the project. The bridge is used significantly by the public. The final bids for the project came in higher than what was originally awarded leaving the additional cost of \$40,790.00. He stated in his letter that it was the intent of the ARPA Committee to help fund the project to completion. The project has been completed and is awaiting final payment.

Commissioner Phillippe said that he did talk with some of the officials of Newburgh and they are very pleased with the project. Commissioner Bob Johnson made the motion to approve the additional funding. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**ARPA COUNTY FUNDING PROJECTS  
BULLIVANT PARK JR. BASEBALL & SOFTBALL PROJECT**

Ms. Bennett-Stearsman handed out a PowerPoint for a request for ARPA County funds. The request is for Bullivant Park Junior Baseball and Softball Project. The Park is owned by the County. The fields are in need of laser leveling and resurfacing. There is also a need for field storage and equipment upgrades. She also went over the moneys spent in the various other County parks to date. Bullivant Park is asking for a total of \$150,455.00. This would include field renovations for \$95,376.00 and press storage box constructions for \$17,000.00. There is also equipment purchase of a John Deere 1200A and a John Deere TH 6x4 which totaled \$38,079.00.

Commissioner Johnson asked the cost without the equipment. Ms. Bennett-Stearsman stated that it's \$112,376.00.

Commissioner Saylor asked if this came before the original committee. Ms. Bennett-Stearsman stated that it did not. He was concerned about maintenance being kept up after the work was done as this was all volunteer. Mr. Steve Roelle was present and spoke to the concern. He said that they have SOPs in place for maintenance, so there are policies in place.

Commissioner Johnson was willing to support the \$112,376.00 for the project, but felt the equipment part of the ask could be handled in a different way. He thought maybe donations and cost reductions from the manufacturers were options.

Commissioner Saylor asked what the equipment would be used for. Mr. Roelle said that the equipment would be to help maintain the fields for years to come. But, to Commissioner Johnson's point, there could be other ways to purchase the equipment, but it was still a need. Commissioner Saylor's concern was not having the proper equipment to take care of the maintenance after all the work was completed. Mr. Roelle suggested challenging them to provide those, knowing that there will still be some dollars and interest down the road, such as a match or support needed to close the gap. Commissioner Johnson made the motion to approve the \$112,376.00 for the field work and press boxes. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**PARK IMPACT FEE STUDY  
COUNTY PARKS MASTER PLAN**

Next, Ms. Bennett-Stearsman presented a Park Impact Study that was in relation to the County Parks Master Plan. The Parks would like to look at hiring American Structurepoint for a not to exceed amount of \$15,000.00. This would be for a study on a Warrick County Park Impact Fee to mitigate capital costs for infrastructure required for new residential development under Indiana Code 36-7-4-1300 which allows communities to use impact fees. This would utilize the recently completed Parks and Recreation Master Plan to develop a zoning improvement plan consistent with Indiana State Statute and to establish a park impact fee for residential building permits. This is just a study to look at whether it is feasible. She then went over other items that were included in the study. They would also attend and host meetings, with Commissioner and Council, involving the study.

Commissioner Saylor asked if there was a timeline issue with this project. Mr. Roelle stated that they will be using the master plan that was just completed in the work. If this waits, the master plan could run into updating issues which would require more work. This is just the approval to move forward; a contract will come before the Commissioners to approve. Attorney Skinner said that he reviewed the proposal and would like to extend the deadline from thirty to sixty days and add a do not exceed amount. It was also stated that the Park Impact Fee would be on new construction and this study will allow them to get the data to get stakeholders together and make a good decision. Commissioner Dan Saylor made the motion to approve based on legal counsel's review and the amount not to exceed to be in the contract. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

*(All Grant Paperwork is found on File in the Grants Department)*


**COMMISSIONER ITEMS FOR DISCUSSION**

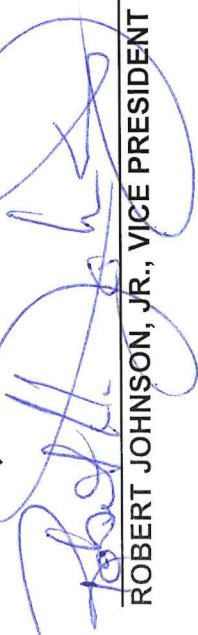
There were no other items of discussion.


**ADJOURNMENT**

The next Warrick County Commissioners' meeting will be held on Monday, October 23, 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 4:44 P.M.

**WARRICK COUNTY BOARD OF COMMISSIONERS**

  
TERRY PHELAN, PRESIDENT

  
ROBERT JOHNSON, JR., VICE PRESIDENT

  
DAN SAYLOR, MEMBER

ATTEST:   
MICHAEL J. DIETSCH, AUDITOR  
WARRICK COUNTY, INDIANA


Minutes Respectfully Submitted by Kristine Georges, Official Recording Secretary



WARRICK COUNTY COMMISSIONERS ORDINANCE # 2023-21  
 PLAN COMMISSION DOCKET # PC-R-23-09  
 AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA  
 COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN  
 REAL ESTATE IN WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA:

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:  
 That the boundaries of the M-2 District, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:  
 Lot 7 in Elberfeld Industrial Park Major Subdivision a Replat of Lot 4, Lot 5, Lot 6 & Lot 7 recorded in Document 2023R-006372 in the Office of the Recorder of Warrick County, Indiana,  
 which real estate is now zoned and classified as part of the M-2 District, as shown on the aforesaid Warrick County Zoning Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said M-2 District to said A District.  
 Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.  
 Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

  
 President  
 Member  
 Member  
 BOARD OF COMMISSIONERS  
 WARRICK COUNTY, INDIANA

ATTEST:  
  
 County Auditor

10-9-23  
 Date Approved

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Signature Kristine Georges Printed Name Kristine Georges  
 This document prepared by Kristine Georges









ACCOUNTS PAYABLE VOUCHER REGISTER

MONTHLY STATEMENTS OF RECEIPTS AND DISBURSMENTS

DEPARTMENT: 10000-0000

ACCOUNT: 10000-0000

DATE: 08/31/2023

Item #	Account	Description	Amount	Balance
1	10000-0000	10000-0000	10000.00	10000.00
2	10000-0000	10000-0000	10000.00	20000.00
3	10000-0000	10000-0000	10000.00	30000.00
4	10000-0000	10000-0000	10000.00	40000.00
5	10000-0000	10000-0000	10000.00	50000.00
6	10000-0000	10000-0000	10000.00	60000.00
7	10000-0000	10000-0000	10000.00	70000.00
8	10000-0000	10000-0000	10000.00	80000.00
9	10000-0000	10000-0000	10000.00	90000.00
10	10000-0000	10000-0000	10000.00	100000.00

MONTHLY REPORT - CLERK OF WARRICK COUNTY CIRCUIT & SUPERIOR COURTS

Form No. 46-CIR

Month End: Aug 2023

Required by IC 33-17-2-8

Warrick Odyssey Bank Account

Line	Description	Amount	Balance
1	CHARGES Daily Balance Record and ISETS Daily Support Book	107,703.52	
2	1 Fee payable to city of town	73,818.74	
3	Tour funds	0.00	
4	Judgment Collections & Refunds	1,957,800.00	
5	Cash on Hand	6,730.00	
6	Unreconciled Liabilities	55,884.15	
7	Other	100.00	
8	Other	0.00	
9	Other	0.00	
10	TOTAL CHARGES	2,143,686.41	
11	CHARGES Daily Balance Record and ISETS Daily Support Book	2,040,995.31	
12	Warrick Odyssey Bank Account	0.00	
13	Other	0.00	
14	Other	0.00	
15	Other	0.00	
16	Other	0.00	
17	Subtotal Daily Balance Record (lines 12 thru 16)	2,040,995.31	
18	SETS Monthly Clerk's Support Record (AMOUNT)	1,891.00	
19	TOTAL DEPOSITORY BALANCES AS SHOWN BY RECORDS LINES 16 + 17	2,042,886.31	
20	Cash in office at close of business (last day of month)	100.00	
21	TOTAL	2,142,986.31	
22	PROOF TO (City/County/Town/State)	2,143,686.41	
23	DEPOSITORY RECONCILEMENT		
24	Balance per Statement(s)	2,143,686.41	
25	Subtotal Depository Balances	2,143,686.41	
26	Net Depository Balance	2,143,686.41	
27	Net Depository Balance	2,057,359.09	
28	Deposits in Transit	7,068.34	
29	Bank fees	0.00	
30	MISC RECONCILING ITEMS	-1,482.00	
31	MISC RECONCILING ITEMS	0.00	
32	Participant reconciliations (error)	0.00	
33	Agency reconciliation	0.00	
34	Agency reconciliation	0.00	
35	Proof	2,042,886.31	

State of Indiana, Warrick County, ss: I, the undersigned Clerk of Warrick County Circuit & Superior Courts, in and for the aforesaid county and state, 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.

Date: 08/31/2023

Clerk of Warrick County Circuit & Superior Courts

1: Clerk: Retain WHITE copy, file 3 copies with Auditor

2: Auditor: FILED SEP 22 2023 WARRICK CO. AUDITOR

N. M. Bunge, Inc.  
 PO Box 6167  
 Evansville, IN 47719-0167  
 812-424-2400 Phone  
 812-424-6895 Fax

August 3, 2023  
 Ms. Sherrice Stevers  
 Re Warrick County Courthouse/ Masonry repairs.

- N. M. Bunge, Inc. will furnish all the necessary labor, materials, equipment, taxes, insurances and etc. needed to complete work as listed below.
- In lower office space NMB to remove plaster that is attached to the interior brick.
  - Cut out existing mortar joints to 3/4" in depth.
  - Rize with a light water rinse to remove debris, dust and loose mortar particles.
  - Install new mortar matching existing as closely as possible.
  - Once cured, these masonry repairs will be cleaned with a light masonry cleaning solution.
  - Apply an heavy coat of ProSoCo H100 Consolidated Treatment to these masonry walls.

All masonry debris will be removed from the jobsite.  
 For this work we ask the sum of...\$11,765.00  
 Option #2 Clean and seal exterior Limestone/Brick at this elevation to keep moisture from entering the exterior facade....Add \$3,970.00

We carry worker's compensation and liability insurances of which a copy of the certificate will be furnished upon request.

N. M. Bunge, Inc.  
 Troy Schreiber

Accepted by: Terry Phillippe, President, Warrick County Commissioners  
 Warrick County Commissioners accepted the sum of \$11,765.00  
 10-5-2023 via Consensus Vote. They will not be going with  
 Option #2 at this time

ORIGINAL

Praxis Construction  
5856 Polsonville DeGonia Rd.  
Tunnsboro, IN 47637 US  
Phone: 317-231-1111  
praxisconstruction@yahoo.com  
www.praxisconstruction.com

Estimate

ADDRESS:  
Warrick County Commissioners  
107 W. Locust St  
Boonville, IN 47601

ESTIMATE # 2183 | DATE | 08/25/2023

SYNOPSIS:

HISTORIC COURTHOUSE-GRANTS DEPARTMENT SUITE 102  
Plans & Permits  
Install plastic wall to help contain dust. Install carpet shield over the floor coverings, cover  
plaster at the top of the wall where it meets the ceiling and window with plywood. Cut plaster from brick surface. (PRAXIS CONSTRUCTION IS NOT RESPONSIBLE FOR DAMAGE TO  
BRICK SURFACE IF PLASTER REMOVES SURFACE) All waste and debris hauling out.  
No painting or exposed brick figured at this time.

DESCRIPTION	AMOUNT
	150.00
	8,500.00
<b>TOTAL</b>	<b>\$6,650.00</b>

Accepted By

Accepted Date

"TURNING YOUR DREAMS INTO REALITY"

ORDINANCE 2023-22

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA AMENDING SECTION 39.05 OF THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA

WHEREAS, pursuant to Ind. Code 36-2-6-4.5(a), the Board of Commissioners of Warrick County may adopt an ordinance allowing money to be disbursed for lawful county purposes;

WHEREAS, Ind. Code 5-11-10-1.6 permits a political subdivision to make advance payments to contractors to purchase materials needed for a public works project, or for purposes of purchasing goods or services prior to the delivery of said goods or services;

WHEREAS, Section 39.05 of the Code of Ordinances of Warrick County, Indiana sets forth the procedure for the submission and payment of claims;

WHEREAS, the Board of Commissioners of Warrick County desires to amend Section 39.05 with respect to the submission, review, and presentation of claims for payment;

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

The Code of Ordinances of Warrick County, Indiana, Section 39.05 entitled "Auditor Payment of Bills and Claim Voucher Process" is hereby amended in its entirety and replaced as follows:

§ 39.05 AUDITOR PAYMENT OF BILLS AND CLAIM VOUCHER PROCESS  
(A) Payment of just debts of the County prior to due date. The Warrick County Auditor is directed to make payment of those expenses listed in subsection (D) below prior to its due date when qualified claims have been filed with the County Auditor in a correct and timely manner, as provided under this § 39.05.

(B) Claim Voucher Process:

- (1) Claim vouchers for all claims, including for credit card charges, must be submitted to the Warrick County Auditor's Office as soon as reasonably possible after the expense giving rise to the claim is incurred, and as soon as the necessary and relevant information is available in order for said claim to be properly submitted to the Auditor's Office.
- (2) Claim vouchers for credit card charges are considered qualified, correct, and timely if the claim voucher:
  - a. is executed on County Form 17;

- b. is submitted with an itemized written receipt attached;
- c. contains a charge for a lawful expense of Warrick County, as determined by the Indiana Code;
- d. is properly signed and authenticated as true and correct by the person submitting the claim;
- e. is submitted to the Warrick County Auditor's Office within a reasonable time after purchase (preferably forty-eight (48) hours of purchase and reasonable time upon return to work for the County of Warrick County (preferably within forty-eight (48) hours of return), and
- f. is submitted to the Warrick County Auditor's Office no later than ten (10) business days before the payment on the credit card is due.

ORDINANCE 2023-22

(3) Notwithstanding any other provision under this § 39.05 to the contrary, payroll claim vouchers, along with any and all substantiating and supporting documentation required under this § 39.05 may be electronically submitted to the Warrick County Auditor's Office for processing and payment.

(4) Those Warrick County Offices or Departments that are not physically located in the Warrick County Judicial Center may electronically submit claims to an email address selected by the Warrick County Auditor so as to submit such claims within forty-eight (48) hours of being incurred in accordance with this § 39.05(B). Notwithstanding the foregoing, all such Offices and Departments shall deliver the original claims, receipts, or other supporting documents to the Warrick County Auditor's Office no later than 12:00 p.m. noon Friday of each week.

(5) If an individual fails to submit a claim voucher in accordance with this § 39.05(B), then that person shall have a continuing obligation to correct any information necessary for the claim voucher to come into compliance with said subsection. The Warrick County Auditor shall take action to reasonably expedite communication with the office holder or department head to obtain the corrected claim voucher in a timely manner.

(6) If a dispute arises as to whether a claim voucher was qualified, correct, or timely submitted to the Warrick County Auditor's Office, the Warrick County Board of Commissioners shall in its discretion determine whether said claim voucher was qualified and submitted in a correct and timely manner.

(7) This § 39.05 is adopted by virtue of Ind. Code 36-2-6-4.5, which specifically provides that a county shall have a continuing obligation allowing money to be disbursed for such county purposes under this section and further provides that, notwithstanding Ind. Code 5-1-1-10, et seq., with this prior written approval of the

ORDINANCE 2023- 22

Board having jurisdiction over the allowance of claims, the County Auditor may make claim payments in advance of Board allowance for certain kinds of expenses included, without limitation, those expenses listed in subsection (C), below, provided that such expenses are supported by a fully itemized invoice or bill and certification by the County Auditor and that the County Auditor has executed a voucher that allows the allowance of the claim. The County Auditor shall not allow the claim at its next regular or special meeting following the pre-approved payment of the expense; and that such payment of expenses under this section must be published in the manner provided under Ind. Code 36-2-6-3.

(C) Review and Presentation of Claims by Auditor

- (1) No later than 4:00 p.m. on the Wednesday immediately preceding the Board of Commissioners' next regularly scheduled meeting, the Auditor shall submit to the Board of Commissioners a voucher list itemizing and describing any and all claims to be reviewed by the Board of Commissioners at said meeting.
- (2) The voucher list referenced in subsection (C)(1), above, shall include any and all claims submitted to the Auditor's Office by 12:00 p.m. noon, six (6) business days prior to the Board of Commissioners' next regularly scheduled meeting.
- (3) The Auditor shall include on the voucher list referenced in subsection (C)(1), above, all claims submitted to the Auditor's Office by the claimant as provided in subsection (C)(2) including, without limitation, those claims which the Auditor is unable to determine to be certified or non-certified.
- (4) The Auditor shall deliver original copies of any and all claims as described on the voucher list referenced in subsection (C)(1) to the Board of Commissioners by 12:00 p.m. noon on the Friday immediately preceding the Board of Commissioners' next regularly scheduled meeting. Following the conclusion of the Board of Commissioners' meeting, the Auditor shall return the original claims to the Auditor. Commissioners shall return the possession of all original claims to the Auditor.

(D) Claims to be paid by Auditor

- (1) The Warrick County Auditor is directed to make claim payments in advance of Warrick County Board of Commissioners allowance for the following kinds of expenses:
  - a. Property or services purchased or leased from the United States Government, its agencies or its political subdivision;
  - b. Insurance premiums;
  - c. Utility payments or utility connection charges;
  - d. General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
  - e. Grant of state funds authorized by statute;
  - f. Maintenance or service agreements;
  - g. Lease or rental payments;
  - h. Bond and coupon payments;
  - i. Payroll;
  - j. State or federal taxes;
  - k. Expenses that must be paid because of emergency circumstances;
  - l. Expenses described in an ordinance;
  - m. Contract payments;
  - n. Qualified, correct, and timely credit card claims if the due date for the credit card is prior to the time the Board of Commissioners can approve same;
  - o. Payments to contractors which enable said contractors to purchase materials needed for a public works project of the County, in accordance with Ind. Code 5-11-10-1.6(d)(3);
  - p. Payments for goods and services prior to delivery of said goods or completion of said services, subject to the Warrick County Council's authorization for making such advance payments, in accordance with the Ind. Code 5-11-10-1.6(d)(4).
- (2) Each payment of expense must be supported by a fully itemized invoice or bill as described above in subsection (B), above, and certification by the Warrick County Auditor.
- (3) The Warrick County Board of Commissioners having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.

ORDINANCE 2023- 23

- (4) Payments made under this § 39.05(D) may be made via an online portal where applicable and as appropriate.
- (5) A payment of expenses under this section must be published in the manner provided under Ind. Code 36-2-6-3.

This Ordinance shall be effective upon passage.

Passed and adopted by the Board of Commissioners of Warrick County, Indiana, this 9<sup>th</sup> day of October, 2023.

WARRICK COUNTY  
BOARD OF COMMISSIONERS

Terry J. Pfeiffer, President

Robert H. Johnson, Jr., Vice-President

Dan Saylor, Member

ATTEST:

Michael Drietsch, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

Andrew E. Skinner - #31797-87  
FINE & HATFIELD, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47702-0779  
Telephone: (812) 426-3492  
Warrick County Attorney

Site No. 1922, Hart Township

Form 1016  
Page 1 of 1

CONSENT FOR RIGHT OF ENTRY

THIS INSTRUMENT, by and between Warrick County, Grantor, and the following described property, Grantor, and the State of Indiana, Department of Natural Resources, Division of Reclamation, Grantee.

WITNESSETH: That in consideration of work, if any, to be performed, Grantor grants to Grantee, its agents, employees, or contractors the right to enter upon the following described property and to do all that is necessary for Reclamation purposes, and to do all that is necessary to install and maintain existing facilities, all pursuant to I.C. 14-34-15.

Said property described as follows: Parcel of Agricultural Section 17, Township 36 North, Range 4 East, containing 120 acres and recorded January 27, 1986 in the Warrick County, Indiana Courthouse.

This Right of Entry is for a period of three (3) years. The Grantor may terminate the Right of Entry prior to the termination of the three (3) year period and without the work being completed.

Grantor shall have the right to inspect any and all plans and specifications drawn for work on said property and located at Grantor's office.

That upon completion of any reclamation, Grantor will not engage in or authorize any land use which damages, destroys or otherwise inhibits the land use promoted by the reclamation for a period of one (1) year, said land including, but not limited to the following:

- (1) Grazing of domestic livestock.
- (2) Dumping of trash.

The lien provisions of I.C. 14-34-19-12, do not pertain to public lands. Therefore, no lien will be filed against said property.

This Right of Entry is binding upon Grantor, and subsequent sales or transfer of the above described property.

Signed by the Warrick County Commissioners,

*Robert Johnson*  
COMMISSIONER

*Robert Johnson*  
Robert Johnson

Date 10/9/23

This document prepared by Jay Akers, 14019 W. B.R. 48, Jamesville, IN 47448.

AMENDMENT NO. 1

THIS AMENDMENT NO. 1 IS MADE AND ENTERED INTO THIS DAY OF OCTOBER, 2023 BY AND BETWEEN THE WARRICK COUNTY BOARD OF COUNTY COMMISSIONERS, HEREINAFTER REFERRED TO AS LPA AND LOCHMUELLER GROUP, INC. HEREINAFTER REFERRED TO AS CONSULTANT.

W I T N E S S E T H

WHEREAS, the LPA and CONSULTANT did on March 31, 2022 enter into an Agreement to provide services for the reconstruction of Epworth Road from SR 66 to SR 662 in Warrick County Indiana Des No. 2002539, and

WHEREAS, based on the preliminary Archaeological study completed it was discovered a cemetery is located in the northwest quadrant of the Epworth Rd and SR 662 intersection. Due to unknown location of graves additional archeology is recommended, and

WHEREAS, the LPA desires the CONSULTANT to provide the additional archeology services, and WHEREAS, the CONSULTANT has expressed an interest in providing the additional archeology services, and

WHEREAS, in order for the CONSULTANT to provide the additional archeology services, it is necessary to amend the original agreement, and NOW, THEREFORE, it is agreed by and between both parties that the original agreement be amended as follows:

I. SECTION IV COMPENSATION on page one is deleted in its entirety and replaced in its entirety with the following:  
SECTION IV COMPENSATION. The LPA shall pay the CONSULTANT for the Services performed under this Contract as set forth in Appendix "D" which is herein attached to and made an integral part of this Contract. The maximum amount payable under this Contract shall not exceed \$1,463,840.00.

II. Item 2.3 in Appendix "A" is added as follows:

2.3 Archaeology Investigation  
Perform an Archaeology Investigation of the proposed right-of-way for possible Graves associated with the Epworth Cemetery as shown in Exhibit "2", attached hereto, and incorporated herein by reference.

WARRICK COUNTY  
123 0067-00H

- 2.3.1 Prepare an archaeology plan and submit to INDOT and the Indiana Division of Historic Preservation and Archaeology (DHPA) for approval prior to field work.
- 2.3.2 Conduct archaeological fieldwork following the guidance provided in the INDOT Cultural Resource Manual and the DHPA Draft Guidebook for Indiana Historic Sites and Structures Inventory - Archaeological Sites. Conduct mechanical stripping within the proposed new right-of-way at the cemetery area up to a depth of 3 feet. Ground disturbance associated with the proposed new right-of-way will be within an area approximately 6 feet wide (average) and 235 feet long, covering 1,410 square feet along the estimated eastern edge of the cemetery. If possible evidence of graves is found, up to an additional 1,000 sq ft of mechanical stripping may be required within the greenspace and driveways between the parking lot and existing Epworth Rd.
- 2.3.4 Inspect stripped surfaces for evidence of graveshafts.
- 2.3.5 Produce a technical report detailing the methods, results, and conclusions/recommendations to INDOT for review.
- 2.3.6 Submit a draft final report to INDOT for review.
- 2.3.7 Complete an updated Indiana Historic Sites and Structures Inventory - Archaeological Sites inventory form and submit for the cemetery.

III. COMPENSATION in Appendix "D" is deleted in its entirety and replaced in its entirety with the following:  
COMPENSATION

I.0 AMOUNT OF PAYMENT  
1.1 The CONSULTANT shall receive compensation for such professional services under Appendix "A" of this Contract in the amount of a total fee of One Million Eight Hundred Sixty Thousand Dollars (\$1,860,000.00) plus taxes that increases the maximum amount payable.  
1.2 The CONSULTANT shall be paid for the work performed under Item 1.0 through 9.0, inclusive, and for the following schedule:  
1.2.1 Topographic Survey Data Collection ..... \$19,100.00  
1.2.2 Environmental Documentation ..... \$28,500.00  
1.2.3 Water Resource/Stormwater Permitting ..... \$9,625.00  
1.2.4 Utility Coordination ..... \$39,800.00  
1.2.5 Traffic Design ..... \$15,600.00

WARRICK COUNTY  
123 0067-00H

- 1.2.7 Road Design and Plans .....\$350,300.00
  - 1.2.8 Hydraulics .....\$6,300.00
  - 1.2.9 Project Management and Public Meeting .....\$6,300.00
  - 1.2.10 Construction Phase Engineering .....\$7,740.00
  - 1.2.11 Construction Phase Office Services .....\$10,000.00
- The CONSULTANT shall receive payment for Geotechnical Investigation Services performed under items 10.1 and 10.2 of Appendix "A" attached to this contract on a unit price basis per the schedule herein. The total payment for these services shall not exceed \$26,445.00, unless approved by the LPA.
- The CONSULTANT shall receive payment for Right-of-Way Engineering Services performed under item 11.0 of Appendix "A" of this Contract on a unit price basis per the following schedule:
- 1.4.1 Title Research (128 parcels @ \$450 each) .....\$64,000.00
  - 1.4.2 Right-of-Way Engineering (128 parcels @ \$2,500 each) .....\$320,000.00
  - 1.4.3 Right-of-Way Surveys (128 parcels @ \$450.00 each) .....\$57,600.00
  - 1.4.4 Combined or Eliminated Parcels (6 @ \$500 each) .....\$3,000.00
  - 1.4.5 Combined or Eliminated Parcels (6 @ \$500 each) .....\$3,000.00
- The total payment for these services shall not exceed \$480,000.00, unless approved by the LPA.
- The CONSULTANT shall receive payment for Archeology Investigation Services performed under item 12.0 of Appendix "A" of this Contract on a unit price basis per the following schedule:
- 1.5.1 Graves Located (0 @ \$500.00 each) .....\$0.00
- The CONSULTANT shall not be paid for any service performed by the CONSULTANT that is not required to be performed by the consultant and that the physicality and cost of which will not be paid as a reimbursable but is to be included in the above fees and overhead costs.
- 2.0 METHOD OF PAYMENT**
- 2.1 The CONSULTANT shall submit invoices for the LPA on a monthly basis for services performed under this contract. The amount of each invoice shall not exceed the amount provided in this Appendix "D" without prior approval as provided elsewhere in this Contract.
- 2.2 The LPA shall pay the CONSULTANT for and invoices within thirty (30) calendar days for CONSULTANT'S services.

Except as herein modified, changed, and amended, all terms and conditions of the original Agreement dated March 31, 2022 shall continue in full force and effect.

WARRICK COUNTY BOARD OF COUNTY COMMISSIONERS  
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This Amendment No. 1 increases the original not-to-exceed amount of \$1,448,740.00 by \$15,100.00 to a new not-to-exceed amount of \$1,463,840.00.

IN WITNESS WHEREOF, the parties have hereunto executed this Amendment No. 1 effective the day and year first above written.

WARRICK COUNTY BOARD OF COUNTY COMMISSIONERS

WARRICK COUNTY BOARD OF COUNTY COMMISSIONERS

*Robert Johnson*  
 Robert Johnson  
 District 3

*Douglas S. Stratis*  
 Douglas S. Stratis, PE PTOE  
 President/Chief Executive Officer  
 David N. Goffinet  
 Regional Leader-Southern Indiana

WARRICK COUNTY BOARD OF COUNTY COMMISSIONERS  
 121 0067 00H

