

**WARRICK COUNTY COUNCIL MEETING  
REGULAR SESSION  
COMMISSIONERS MEETING ROOM  
107 W. Locust Street  
Boonville, Indiana  
July 11, 2024  
6:00 PM**

The Warrick County Council met in regular session in the Warrick County Courthouse, 107 W. Locust Street, Boonville, Indiana.

Attorney Cliff Whitehead and Administrator Krystal Powless were in attendance.

Auditor Michael Dietsch and Chief Deputy Barbi Shelton attended and recorded the minutes.

The public could view the meeting via Warrick County Government YouTube channel at:  
[https://www.youtube.com/channel/UCOK8y7lXcLpK9le8WV4pr9w?view\\_as=subscriber](https://www.youtube.com/channel/UCOK8y7lXcLpK9le8WV4pr9w?view_as=subscriber)

Council President, Brad Overton, called the meeting to order at 6:00 PM.

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Roll Call showed the following Councilmen present in person: Ron Bacon, Rob Dimmett, Ted Metzger, Brad Overton, Richard Reid, Greg Richmond, and Chris Whetstine.

**APPROVAL OF MINUTES  
JUNE 6, 2024 REGULAR MEETING MINUTES**

The minutes from the June 6, 2024 Regular Session Meeting were presented. Councilman Rob Dimmett made the motion to approve the minutes. Councilman Greg Richmond seconded the motion. The motion carried 7-0.

**LIT BUSINESS  
TAX PHASE INS**

**CIHOLAS – ALCOA – KAISER ALUMINUM WARRICK – ALCOA WARRICK/NEWCO  
EURONIQUE – FIBERTECH – SUMMIT LAND DEVELOPMENT**

The following abatements were presented to the Council for review and approval:

Ciholas  
ALCOA Boiler Optimization Compliance 2008-03  
Kaiser Aluminum Warrick – Real and Personal – New Coating Line 2021-11 & 2021-13  
Kaiser Aluminum Warrick – Personal – 2014-02  
ALCOA Warrick – Newco  
Euronique  
Fibertech  
Summit Land Development – Digestive Care Center

Economic Development Director Steve Roelle was present to review all the tax phase-ins. This is the annual tax abatement compliance review. The Council was sent a summary. All are in compliance with most even exceeding what they said they would do. Councilman Rick Reid made a motion to approve all of the abatements. Councilman Chris Whetstine seconded the motion. The motion carried 6-0-1 with Councilman Ted Metzger abstaining.

*(All Abatements are found on File in the Auditor's Office)*

**EMS BUSINESS**

EMS Director Tony O'Neal was present. He apologized for the mix up in not presenting last month. The Council had received his report. He went over some of the numbers for last year. A sixth truck was added. He went through some of the programs and trainings they participated in including some of the partnerships with the Sheriff's and Fire Departments. EMS also has an EMP Program at the new career center behind Walmart. They have already had several graduate. He touched on a couple more items and asked for any questions. Councilman Whetstine asked about the awards listed in the report. Mr. O'Neal went over the awards that were received. He said it all has to do with quality and efficiency in getting the patients to the hospital. Councilman Whetstine gave his congratulations to those individuals recognized.

**SOIL AND WATER CONSERVATION**

Executive Director of Soil and Water Conservation Holly McCutchen was present along with Soil and Water Conservation Board member Peter Rudolph. She presented their annual meeting report and reviewed items in the report. They worked with students in Warrick County as well as civic groups such as Master Gardeners and Retired Teachers. Ms. McCutchen also talked about the tree giveaway program. There are also grants they are working on and how those grants will benefit different areas. She also touched on other programs and workshops that are available to residents. Conservation Crusaders was a program that was very popular again this summer.

Mr. Rudolph then spoke briefly. He spoke to the conservation work that is helping with flooding which in turn minimizes damage to fields, subdivisions, and roads. Most of the staff's time is spent out educating the public. There were no questions.

**SUPERIOR COURT BUSINESS  
PER DIEM PETIT JURY – MEAL & LODGING**

Superior Court I	1000.18320.000.0201	Per Diem Petit Jury	\$10,000.00
	1000.39500.000.0201	Meal & Lodging	\$1,000.00

Judge Krista Weiberg was present to discuss the additional appropriation. This will be to pay and feed jurors. Councilman Greg Richmond made the motion to approve. Councilman Rick Reid seconded the motion. The motion carried 7-0.

**COMMISSIONER BUSINESS  
LEGAL SERVICES – CONTRACTUAL SERVICES IT**

Commissioner	1000.31200.000.0068	Legal Services	\$100,000.00
	1000.31425.000.0068	Contractual Services IT	\$30,000.00

County Administrator Heather Soberg was present to discuss the additional appropriation request. She provided the Council with information on needs and where they are at. County Attorney Todd Glass was also present to answer questions. Councilman Ron Bacon made a motion to approve. Councilman Brad Overton seconded the motion. President Overton asked for discussion.

President Overton asked about the difference in the amounts from what was requested at the last meeting. Ms. Soberg said that the amount last month was to pay the invoices that needed to be paid. They have repeatedly transferred out of other lines to keep everything paid and she would like to move some of that money back that has been borrowed. He then asked the exact amount of money that is needed. The amount stated was \$14,908.00. This is for June and July.

Councilman Dimmett stated that money had been taken from other accounts and questioned the amount being more around \$45,000.00. Ms. Soberg agreed. He then reviewed the amounts that have been used from other accounts with the total due now and what is coming up which he said put it close to the \$100,000.00 mark which would mean they shouldn't have to come back for more. Ms. Soberg agreed.

Attorney Glass did want to report to the Council that they had had success in the radon lawsuit. The insurance company will get involved and will represent partially the County which will help.

Councilman Overton asked about the press conference and said it was stated emphatically that none of the charges have been personal charges. Attorney Glass agreed and reiterated that they take that very seriously both ethically and professionally. He went over who they represent as a whole and that they made sure that everything was clearly identified and defined. The Commissioners are individually represented by their own legal council and they take care of that themselves privately. Councilman Overton thanked him and felt that helped clarify everything.

Councilman Bacon asked about the \$30,000.00 for IT and what it was for and if that included some of the legal fees. Ms. Soberg said that part of it did as transfers.

Attorney Glass said that it shouldn't affect the vote, but that the Commissioners are effectively investigating new insurance coverages that would provide for legal costs. The current policy doesn't really do that.

Councilman Overton asked about the HR Attorney hired. Attorney Glass said there has been numerous complaints rendered between a variety of employees and departments against the HR Director herself and that was getting into some messy back in forth. They have been advising the Commissioners on how they should be handling a variety of investigations into those complaints. Every time an employee registers a complaint pursuant to policy, they have the right to have that investigated. But, the Director would have to investigate herself. This is why an HR Attorney was recommended. An employment law expert for the very narrow purpose of helping the HR Director with those investigations. It will be a very temporary assignment. After he assists her in the investigations and makes the recommendations for action, he'll be done. Then his firm will take over again. But, they felt to provide transparency, and an outcome that everyone can be confident in, to bring in another employment law expert. Councilman Overton asked Ms. Soberg if the cost estimates for those attorney fees are included in this legal services request. Ms. Soberg said that they weren't. The contract was signed after she had to submit for the additional appropriation. Attorney Glass stated that the contracted attorney did agree to work at a reduced hourly rate of \$250.00 an hour. He would only bill what he is asked to do, which was just described. Attorney Glass also reviewed the current hourly fees for his firm. Attorney Glass reviewed their services and retainer for the Board and stated they don't stop when the retainer is met.

Councilman Reid asked the thoughts of Council Attorney Cliff Whitehead. He had no opinion. He did say he had not reviewed all the invoices, only the ones up to February/March. Attorney Glass said that a majority of expenses were incurred in the first quarter. They were something that were not necessarily anticipated or budgeted for.

Councilman Dimmett wanted to review what they were doing. He went over the numbers and where the \$100,000.00 was coming from to make sure it was clear. No extra money is being given for anything else. This is money that is owed. Councilman Overton wanted to clarify that the \$100,000.00 they're requesting isn't everything that's due. They've only incurred \$35,000.00 to \$40,000.00. He said that the \$100,000.00 includes estimated costs for the rest of the year. Councilman Dimmett agreed. There was continued discussion on the numbers. President Overton opened comments up to the audience and reviewed limits for speakers.

Debbie Stevens, Warrick County citizen, questioned the numbers and the exact amount that has been spent to date on the Legal Services line item from the Commissioner's budget. Administrator Powless said that the Council members received that information in an email but she didn't have it with her. Ms. Stevens asked if any of the Board members knew. The bottom line for her is how much has actually been spent from that line to date. She said they are asking for the additional \$100,000.00 plus the additional \$30,000.00 to cover IT that still has to be paid. She also said that the legal services are outrageous. They need to go back to the reason why all the extra legal services are being incurred. Ms. Stevens feels that no one is addressing the reason which is the decisions that the Commissioners have made. She felt it is mismanagement on their part causing a lot of issues. Ms. Stevens also talked about employees not being paid for hours worked and the Council not appropriating for it. She then went over some of the County policies not being followed. She felt there was more to come. Administrator Powless then gave the amount that has been spent to date on legal fees. The amount was \$160,000.00. Ms. Stevens said that was the first time she had heard that number. She said that they are now asking for the additional money that may or may not take them through the end of the year.

Councilman Richmond asked if that amount included the retainer. He was told that it did.

President Overton asked the Council Attorney if the amounts could be changed with the current motion or how that could be done. After a brief discussion, Councilman Bacon would have to amend his motion as the first. President Overton called for the vote with no amendments. The motion carried 4-3 with Ted Metzger, Brad Overton, and Rick Reid opposing.

President Overton did want to state that his primary reason for voting against it was he was willing to pay up to the current expenses, but he didn't want to project expenses out to the end of the year.

**LANDFILL POST CLOSURE**

Landfill Post Closure	1166.31111.000.0000	Expense	\$20,000.00
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Ms. Soberg spoke to this additional appropriation. She went over what the Landfill Post Closure Fund usually covers. There were higher methane readings and work will have to be done to try to reduce it. The work will require additional funds as well as additional monitoring. Councilman Rob Dimmett made a motion to approve. Councilman Rick Reid seconded the motion. The motion carried 7-0.

**HEALTH DEPARTMENT BUSINESS  
OPIOID RESTRICTED FUND**

Opioid Restricted	1237.31400.000.0000	Contractual Services	\$28,665.39
Immunization for Children	8337.44000.000.0000	Equipment	\$6,890.00

Administrator Powless stated that this was supposed to be Commissioner Business, not Health Department Business. That was a typing error on the agenda. It was also clarified that the Immunization for Children had been removed before the meeting.

Grants Department Director Debbie Bennett-Stearsman was present to request an appropriation from the Opioid Restricted Fund, 1237. She briefly reviewed the funds that have and will be received were a portion from the State of Indiana's Opioid settlement. There were two funds created from the settlement, restricted and unrestricted. There was a list on how the money could be spent with the restricted. The money for unrestricted could be spent like general funds. Both have to be appropriated. Currently, 1237, Restricted Funds, has \$353,861.54. Nothing has been taken out to date. The Unrestricted has a balance of \$143,160.40. The Commissioners have just started receiving requests for the Restricted Funds. Hope for Warrick County, a non-profit, has asked the Commissioners for \$28,665.39 of Restricted. She went over the list of items they wished to purchase with the money. The County Attorney has drawn up a contract between the County and the non-profits requesting these funds and it will be run very much like the ARPA Competitive funding. They won't just get the money. They'll have to submit invoices, because the County has to do annual reports for whom they gave the money to and track it. The Commissioners did approve this request. The contract will be approved at the next Commissioner meeting if the appropriation is approved.

Jean Carter with Hope for Warrick County spoke to the Council. She went over the statistics and what their group does. She did have some concerns about it being contractual. She wasn't aware of that aspect and addressed those concerns. Ms. Carter briefly discussed with Ms. Bennett-Stearsman the issues with having a contract. Ms. Carter assured her of having very clear concise records. They are saving lives.

Councilman Greg Richmond made the motion to approve. Councilman Rob Dimmett seconded the motion. Councilman Overton and Ms. Carter briefly discussed Narcan distribution. The motion was carried 7-0.

**SHERIFF'S BUSINESS  
COMMISSARY REPORT**

Sheriff Mike Wilder sent the report to all Council members. He was present to answer any questions and invited the Council to visit the office at any time. He also let the Council know that if they went to the Sheriff's website, there is a live camera up on the worksite for the new Sheriff's Office and Security Center. They are also welcome to give him a call to go out and see the worksite. There were no other questions.

**HANDBOOK POLICY, REIMBURSEMENTS, TRANSFERS OR CORRECTIONS**

President Overton read the following into the minutes:

9A. Salary Ordinance & Additional Appropriation - Park & Recreation			
Salary Ordinance	Resignation Pay-out	Head Gate Keeper	\$468.08
9B. Salary Ordinance & Additional Appropriation - Clerk			
Salary Ordinance	Resignation Pay-out	Deputy	\$1,240.62
Additional Appropriation	1000.11210.000.0001	Deputy	\$1,241.00
9C. Salary Ordinance & Additional Appropriation - Auditor			
Salary Ordinance	Resignation Pay-out Deputy		\$750.00
Additional Appropriation	1000.11210.000.0002	Deputy	\$750.00
9D. Salary Ordinance -Sheriff			
Salary Ordinance	Resignation Pay-out Jailer		\$1,622.97
Salary Ordinance	Resignation Pay-out Dispatcher		\$3,257.25
9E. Additional Appropriation -Sheriff Reimbursement			
*Sheriff	1000.44300.000.0005	Motorized Equipment	\$16,150.00
9F. Transfer -Correction to budgeting error			
Transfer From:	1159.11411.000.0000	Administrative Asst.	\$41,124.00
Transfer To:	1159.11280.000.0000	Manager	\$41,124.00

There was no discussion. Councilman Ron Bacon made a motion to approve. Councilman Greg Richmond seconded the motion. The motion carried 7-0.

*(July Appropriations are located on Page 5 of these Official Minutes)*

**COUNCIL BUSINESS  
REPORT ON STATE CALLED COUNCIL MEETING**

Councilman Greg Richmond presented a report on the State Called Council meeting. The Association of County Council meeting talked to them about how most Councils have formulated a Resolution that establishes policies and procedures to protect decorum and foster the effective administration of public meetings. So, Councilman Richmond wished to request, if this Council would like, for their attorney to draft a resolution. The Association also suggested a noticed, joint meeting between County Commissioners and County Council to communicate each other's needs, listen to each other on those needs, financing the needs, and long-term strategies for the County. They would be done once a quarter and could be relatively short meetings. Councilman Metzger had no issues as long as the public could comment. Councilman Richmond saw no issue with it, although, they would not want it to turn into a gripe session. Councilman Overton shared a story and felt that we need to as a society to get back to civility. He was all for setting up something even if it is not quarterly, but bi-annually to chat about a few things and get together and maybe find out they are all pulling in one direction. This would not be to discuss business, but to talk and share information. There was a general consensus given to both items.

