

**WARRICK COUNTY COUNCIL MEETING
REGULAR SESSION & PUBLIC HEARINGS
COMMISSIONERS MEETING ROOM**

107 W. Locust Street
Boonville, Indiana
October 5, 2023
6:00 PM

The Warrick County Council met in Regular Session including two Public Hearings 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 Recording Secretary Kristine Georges attended and recorded the minutes.

The public could view the meeting via Warrick County Government YouTube channel at: https://www.youtube.com/channel/UCOK8y7XcLpK9le8WV4pr9w?view_as=subscriber

Council President, Greg Richmond, called the meeting to order at 6:02 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, and Greg Richmond. Present and visible via Facetime was Chris Whetstine.

All actions on motions throughout the Regular Session meeting were made by a roll call vote.

**APPROVAL OF MINUTES
SEPTEMBER 7, 2023 REGULAR MEETING MINUTES**

The minutes from the September 7, 2023 Regular Session meeting were presented. There was no discussion. Councilman Brad Overton made the motion to approve the minutes as presented. Councilman Ron Bacon seconded the motion. The motion carried 7-0.

**CIRCUIT COURT BUSINESS
ADDITIONAL APPROPRIATION
PER DIEM – PETIT JURY**

President Richmond read the following into the record:

Circuit Court	1000.18320.000.0232	Per Diem-Petit Jury	\$5,000.00
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Ms. Brandy Backer was present to discuss the additional appropriation. Administrator Krystal Powless stated that Judge Granger did call and explained that this will only cover the jury trial they just completed. This will not be enough to get through the rest of the year, so they will be back next month.

Ms. Backer said that they only had a balance of \$1,345.00 and an outstanding claim for \$5,000.00. There is also a five-day civil trial coming up that will have costs involved with it. Councilman Ron Bacon made the motion to approve. Councilman Rick Reid seconded the motion. The motion carried 7-0.

**ASSESSOR BUSINESS
ADDITIONAL APPROPRIATION
REASSESSMENT – CONTRACTUAL SERVICES**

President Richmond read the following into the record:

Reassessment	1224.31400.000.0000	Contractual Services	\$45,000.00
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Ms. Powless stated that Assessor Redmond did email her on this. She also said the contractual services was shorted, and they aren't going to have enough. A large amount had been invested and couldn't be brought to the fund. Now, some of it has been moved back into the fund and there is money in there for the contract. Councilman Rick Reid made the motion to approve. Councilman Rob Dimmitt seconded the motion. The motion carried 7-0.

**SHERIFF BUSINESS
ADDITIONAL APPROPRIATION
JAIL – INMATE MEALS**

President Richmond read the following into the record:

Jail 1000.22710.000.0380 Inmate Meals \$48,000.00

Chief Deputy Sheriff Kruse was present to answer any questions. Ms. Powless said that \$25,000.00 was budgeted and they are spending approximately \$13,000.00 to \$15,000.00 a month. This should get them enough through the end of the year. She also said whatever is left over rolls back. Councilman Rick Reid made the motion to approve. Councilman Ted Metzger seconded the motion. The motion carried 7-0.

**AUDITOR BUSINESS
ADDITIONAL APPROPRIATION
FURNITURE**

President Richmond read the following into the record:

ARP Local Fiscal 8950.31617.000.0000 Furniture Auditor \$22,250.00
Recovery
Cumulative Cap. Dev. 1138.44100.000.0000 Furniture Auditor Chairs \$18,546.00
OR
Auditor 1000.44100.000.0002 Furniture Auditor Chairs \$18,546.00

Ms. Powless stated she advertised both Cum. Cap and Auditor Budget and that it could also be done half and half. She gave several options.

Grants Development Director Debbie Bennett-Stearnsman presented. She said, at the September 25, 2023 Commissioner meeting, the Commissioners approved to use money from the ARPA interest to pay for the cubicles for the Auditor’s Office. She went over all the numbers for the cubicles. They are slightly used/like new. Auditor Dietsch was also present to answer any questions. She first went over the new workstations that had been approved by the Commissioners using ARPA Interest money, but that the appropriation needed to be made by the Council to move the money.

Councilman Metzger asked if bids had been taken. Auditor Dietsch stated that a significant discount had been given. He also stated that he had no fees that he could utilize or a perpetuation fund. The office is extremely limited on what can be contributed which is almost nothing.

Councilman Metzger then asked about the chairs. Auditor Dietsch said he had done his research. The chairs are Herrmann Miller chairs and come with a twelve-year warranty. He realized that the initial cost is a little shocking, but when you break it down and the service and quality makes it worth it for the staff. They are also a one size fits all with adjustability. Councilman Whetstine had concerns over the warranty and clauses in the contract as well as the price. After much discussion, including with County Purchasing Administrator Sherrie Sievers, the clauses he was concerned about did not apply to the chair that was being purchased.

Councilman Brad Overton asked about the cubicles. Auditor Dietsch went over the issues of the old cubicles and that they were original to the building. Ms. Sievers also reiterated that fact that the current cubicles were in the same poor shape as the Clerk’s Office which just replaced theirs. They were getting a government discount on the cubicles that they were purchasing. They are slightly used, but in excellent condition. The bid was not required because of the significant government discount.

Ms. Bennett-Stearnsman stated that the Commissioners did fund half of the Clerk’s Office’s cubicles, so that was their reasoning in purchasing the cubicles for the Auditor and passing the chairs on for the Auditor to try to find the funding.

Councilman Bacon made the motion to approve the appropriation for the cubicles from the ARPA Interest in the amount of \$22,250.00. Councilman Whetstine seconded the motion. The motion carried 5-2 with Ted Metzger and Rick Reid opposing.

President Richmond then went over funding for the chairs stating it could come half from Cum Cap and half from the Auditor’s Budget or all of the funding could come from one or the other. Councilman Ron Bacon made the motion for the entire \$18,546.00 to come from the Cum Cap fund. He also said that they don’t usually tell Department Heads how to run their departments and so forth. If the Auditor felt it was necessary and the money is there, he felt that they should appropriate it. Councilman Greg Richmond seconded the motion. Councilman Chris Whetstine stated, that with Ron Bacon’s comment about letting Department Heads run their departments, he is going with that and agreed they should run their departments and voted for the appropriation. The motion carried 4-3 with Ted Metzger, Brad Overton, and Rick Reid opposing.

HANDBOOK POLICY, REIMBURSEMENTS, TRANSFERS OR CORRECTIONS

President Richmond read the following into the minutes:

Additional Appropriation Health	1159.11900.000.0000 1159.11280.000.0000	Administrator Data Manager	\$2,267.00 \$884.00
Salary Ordinance Health	Two-week PTO One week PTO	Administrator Data Manager	\$2,266.70 \$883.54
Transfer Council	1000.30200.000.0061 1000.11202.000.0061	Other Services Administrator	\$2,693.00 \$2,693.00
Salary Ordinance Council	Two-week PTO	Administrator	\$2,692.80

There was no further discussion. Councilman Brad Overton made the motion to approve. Councilman Ted Metzger seconded the motion. The motion carried 7-0.

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

OTHER BUSINESS

There was no other business to come before the Council.

CLOSING OF REGULAR SESSION AND OPENING OF THE PUBLIC HEARING

Councilman Brad Overton made the motion to close the Regular Session meeting. Councilman Rick Reid seconded the motion. The motion carried 7-0. The regular session meeting adjourned at 6:34 PM.

**PUBLIC HEARING
RESOLUTION 2023-09
RESOLUTION OF THE WARRICK COUNTY COUNCIL ESTABLISHING A
FUND FOR PROCEEDS TO BE RECEIVED FROM THE SALE OF REAL
ESTATE TO THE WARRICK COUNTY, INDIANA BUILDING CORPORATION
AND MAKING AN APPROPRIATION FROM SUCH FUND**

President Richmond called the Public Hearing to order at 6:35 PM. Council Members present in person were Ron Bacon, Rob Dimmett, Ted Metzger, Brad Overton, Greg Richmond, and Richard Reid.

NOTE: Chris Whetstone, who was present via Facetime for the Regular Session meeting, could not vote on this measure and therefore exited before the Public Hearing.

President Richmond then read the Resolution into the Record:

**RESOLUTION 2023-09, A RESOLUTION OF THE WARRICK COUNTY COUNCIL ESTABLISHING A FUND
FOR PROCEEDS TO BE RECEIVED FROM THE SALE OF REAL ESTATE TO THE WARRICK COUNTY,
INDIANA BUILDING CORPORATION AND MAKING AN APPROPRIATION FROM SUCH FUND**

Brad Bingham with Barnes and Thornburg was present and stated they were serving as Bond Counsel for the project. He then explained the purpose of the resolution. The new facility will not be completed for about two years. That time will be the construction period and you can't pay rent until the asset is constructed and available. Bond holders want interest payments every six months. So, the only way to do this is to establish a building corporation to acquire an existing asset that is rented from them during the construction period. That's why the existing Jail is involved in the discussion. This is allowable under Indiana law. But, in order for the Building Corporation to acquire that property, they have to pay the County no less than the average of two appraisals. So, that's been done and the average of the two is \$5,830,000.00. So, when they close on the bonds, that amount of bond proceeds is being moved over from the Building Corporation side of the ledger to the County side of the ledger. It doesn't change the price of the project or anything else. It just divides where the money is going to be residing. Most of it will sit with a bond trustee; this amount will come over to the County. That is why a separate fund needs to be created in which to receive this and appropriate those dollars back into the project. They can't be used for something else, because you need it for construction costs. But, it to avoid having capitalized interest during the construction period, you want to be able to pay interest as it accrues every six months.

Councilman Overton asked if the project stops for a while, how it would affect things. Mr. Bingham stated that the way the lease was written, the bonds close, lease is effective, building corporation acquires the existing jail, and it owns the Hyrock Property on which the new jail will be constructed. They will continue to lease the County's asset until the new project is completed. Once substantial completion is achieved on the new project, the existing Jail drops out of the lease and it comes back to the County. But, if there were delays in the construction - now it takes three years - then you'll just lease the existing jail for three years. It is a concern from a bond holder's standpoint because you can't make full lease payments until the project is completed. So, they always look at the estimated construction period,

which is about twenty-two months, then say they don't want that first full payment until about thirty months. They have a built-in cushion for construction period delay risks. This is why bonds are not sold until after construction bids are received, it's within budget, and you've given the notice to proceed. That risk is always there. There's no way around it. But, there are ways to mitigate that risk.

Councilman Overton asked about the land purchase. Mr. Bingham thought that they were in the process of it being purchased.

President Richmond asked for any public comment. There was none.

Councilman Overton made the motion to introduce Resolution 2023-09. Councilman Bacon seconded the motion. The motion carried 5-1 with Rick Reid opposing.

President Richmond read the title again into the record:

RESOLUTION 2023-09, A RESOLUTION OF THE WARRICK COUNTY COUNCIL ESTABLISHING A FUND FOR PROCEEDS TO BE RECEIVED FROM THE SALE OF REAL ESTATE TO THE WARRICK COUNTY, INDIANA BUILDING CORPORATION AND MAKING AN APPROPRIATION FROM SUCH FUND

He then called for a motion to pass Resolution 2023-09. Councilman Rob Dimmitt made the motion to pass Resolutions 2023-09. Councilman Ron Bacon seconded the motion. The motion carried 5-1 with Rick Reid opposing.

(Ordinance 2023-09 is located on Page 6 of these Official Minutes)

CLOSING OF PUBLIC HEARING FOR RESOLUTION 2023-09

Councilman Brad Overton made the motion to close the Public Hearing for Resolution 2023-09. Councilman Ron Bacon seconded the motion. The motion carried 5-1 with Rick Reid opposing. The Public Hearing closed at 6:44 PM.

PUBLIC HEARING GO BOND ORDINANCE

AN ORDINANCE OF THE WARRICK COUNTY COUNCIL, AS FISCAL BODY OF WARRICK COUNTY, INDIANA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS AT VARIOUS COUNTY FACILITIES AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS AND APPROVING CERTAIN MATTERS RELATED THERETO

President Richmond called the second Public Meeting to order at 6:45 PM. He then read the title of the Ordinance, listed under 7A in the agenda, into the record:

GO BOND: AN ORDINANCE OF THE WARRICK COUNTY COUNCIL, AS FISCAL BODY OF WARRICK COUNTY, INDIANA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS AT VARIOUS COUNTY FACILITIES AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS AND APPROVING CERTAIN MATTERS RELATED THERETO.

President Richmond asked Attorney Whitehead the process they needed to go through for the Ordinance. He said the meeting had already been opened to public comment and that a motion could be made. The action on the motion would then determine what other action would need to be taken.

President Richmond stated the following estimates listed in conjunction with the Ordinance. Animal Control Building, \$2,000,000.00; new storage building on Third Street, \$500,000.00; Health Department remodel, \$300,000.00; large Judicial Center storage area, \$250,000.00; Fourth Street storage area, \$150,000.00; and excess proceeds, \$470,000.00. Total amount is \$3,994,727.00. It also included an underwriter's discount and allowance for bond insurance costs and contingencies.

There was no public comment.

Councilman Ted Metzger made the motion to deny. Councilman Rick Reid seconded that motion. However, after some discussion on whether a motion to deny was needed, Councilman Metzger withdrew his motion and Councilman Reid withdrew his second. President Richmond then called three times for a motion to approve. The Ordinance died for lack of a motion.

AN ORDINANCE OF THE WARRICK COUNTY COUNCIL, AS FISCAL BODY OF WARRICK COUNTY, INDIANA, APPROPRIATING THE PROCEEDS OF THE WARRICK COUNTY, INDIANA, GENERAL OBLIGATION BONDS, SERIES 2023

Listed as 7B on the agenda, this Ordinance would need passage in conjunction with the passage of the 7A Ordinance on the agenda. Since no action was taken on 7A, no action was needed for 7B.

ADJOURNMENT OF PUBLIC HEARING

The next Warrick County Council Regular Session meeting will be held on November 2, 2023 at 6:00 PM in the Commissioners meeting room. Councilman Brad Overton made the motion to adjourn the Public Hearing for Ordinance for the Authorization of General Obligation Bonds. Councilman Rick Reid seconded the motion. The motion carried 6-0. The meeting adjourned at 6:49 PM.

WARRICK COUNTY COUNCIL

Greg Richmond
 Greg Richmond, President
(not present)

Ron Bacon
 Ted Metzger

Chris Whetstone
 Chris Whetstone

Brad Overton
 Brad Overton, Vice President

Robert Dimmett
 Robert Dimmett

Richard Reid
 Richard Reid

ATTEST:

Michael J. Dietsch
 Michael J. Dietsch, Auditor
 Warrick County, IN

Minutes Respectfully Submitted by Kristine Georges, Official Recording Secretary

Sec. 1 Be it ordained (resolved) by the Warrick County Council, Warrick County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the proposed specified, subject to the laws governing the same:

FUND	APPROPRIATION NUMBER	DESCRIPTION	AMOUNT REQUESTED	AMOUNT APPROVED
ARP Local Fiscal Rec.	8950.31617.000.0000	Furniture Auditor	\$22,250.00	92,250
Jail	1000.22710.000.0380	Inmate Meals	\$48,000.00	48,000
Reassessment	1224.31400.000.0000	Contractual Services	\$45,000.00	45,000
Circuit Court	1000.18320.000.0232	Per Diem-Petit Jury	\$5,000.00	5,000
Cumulative Cap. Dev	1138.44100.000.0000	Furniture Auditor Chairs	\$18,546.00	18,546
Auditor	1000.44100.000.0002	Furniture Auditor Chairs	\$18,546.00	18,546
Health	1159.11900.000.0000	Administrator	\$2,267.00	2,267
		Data Manager	\$884.00	884

Taxpayers appearing in the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the State Board of Tax Commissioners. The Board will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action.

Adopted this 5th day of Oct. 2023.

A/YE

Brad Overton Greg Richmond
 Brad Overton Greg Richmond

Richard Reid Michael J. Dietsch
 Richard Reid Michael J. Dietsch

ATTEST: Michael J. Dietsch Mike Dietsch
 Auditor Warrick County

