

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
November 12, 2013
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Marlin Weisheit, Vice President and Rick Reid, Member

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes. Auditor Deputy, Allan James, was in attendance.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

In the Matter of Vacation of 10 foot Drainage Easement and a New Dedication of a 10 Foot Drainage Easement Located within the Boundary of Lot 77B of the Replat of Lot 77A, 77B, 77C in the Replat of Lot 78 and Lot 77 of Triple Crown Estate Subdivision Recorded in Document #2008R-010695

Don Williams: I entertain a motion to recess the Commissioners Meeting for a Public Hearing.

Marlin Weisheit: So moved.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Okay, first thing we we're looking at we have a Public Hearing in the matter of Vacation of a ten (10) foot Drainage Easement and a New Dedication of a ten (10) Foot Drainage Easement located within the boundaries of Lot 77B of the Replat of Lot 77A, 77B, and 77C in the Replat of Lot 78 and Lot 77 of Triple Crown Estate Subdivision Recorded in Document #2008R-010695. Do you have anything to say?

Sherri Rector: Everything is in order. It was advertised and notices sent out and received back, the return receipts.

Don Williams: Okay, just moving the drainage easement.

Sherri Rector: Yes.

Don Williams: Is there anyone here that would like to speak for or against the change in easement.

Jim Biggerstaff: We're here for that, this is Mike Robertson here, the owner, if there are any questions.

Don Williams: Okay, do you have anything you'd like to say, Sir? If you do, come to the podium and state your name and address.

Mike Robertson: No, I think I'm okay.

Don Williams: Okay.

Sherri Rector: I do have a question, Don.

Don Williams: Sure.

Sherri Rector: I wasn't in the Drainage Board Meeting and I know that there's an approved dollar amount for this work that was given, are they supposed to post a Letter of Credit for this, for the new work on the drainage easement or not? I didn't know what you all had decided in the meeting.

Don Williams: Was there an amount decided there?

Jim Biggerstaff: We talked about an amount but, you know this is going to be put in immediately. We didn't...you know, the easement was there and of course I didn't realize the county had laid it outside the easement so we're just moving is all we're doing is vacating and moving it.

Sherri Rector: I just wanted to make sure before if they come in to get an Improvement Location Permit if they was supposed to...

Jim Biggerstaff: Oh, we're not going to do that, no.

Sherri Rector: Okay.

Brent Wendholt: Okay, yeah, we'd moved it and we gave...there was a dollar amount given I don't know what it is off the top of my head...

Sherri Rector: Don has it.

Don Williams: Two, two three, three seven point seven five (22337.75).

Brent Wendholt: Okay.

Don Williams: And when will that be done?

Jim Biggerstaff: We're talking about immediately. There's a pending sale on this and an easement was right down the middle of the new building so we've got to get this done and then they'll be doing their closing on the property which might be two (2) months, three (3) months, we don't know. So, the intention is get it done now. It has to be done before we close.

Don Williams: Okay. Engineer you're saying a need for that?

Brent Wendholt: A need for...?

Don Williams: The Letter of Credit since this is going to be done in such a short time.

Brent Wendholt: If he's going to have it done in a certain time, no.

Don Williams: Okay, two (2) weeks? Will it be done in two (2) weeks?

Jim Biggerstaff: Construction wise? Yeah, we're talking about no longer than thirty (30) days. Cause we got to get Vectren to sign off on a...we're waiting on that agreement from them. We're crossing near the road, gas line. It won't be no longer than thirty (30) days. Is that fine, Mike? Yeah, that's fine.

Don Williams: Any question from the board?

Marlin Weisheit: I have none.

Rick Reid: None.

Don Williams: Do you have any input?

Brent Wendholt: No, I do not.

Don Williams: You're okay with letting it go in for now?

Brent Wendholt: Yes.

Don Williams: Okay, anybody else have anything to say on the matter? Anyone out there have anything to say on the matter for or against? Okay, we'll conclude our Public Hearing.

ACTION ON PUBLIC HEARING

In the Matter of Vacation of 10 foot Drainage Easement and a New Dedication of a 10 Foot Drainage Easement Located within the Boundary of Lot 77B of the Replat of Lot 77A, 77B, 77C in the Replat of Lot 78 and Lot 77 of Triple Crown Estate Subdivision Recorded in Document #2008R-010695 (Ordinance 2013-27)

Don Williams: Warrick County Commissioners Meeting, November 12, 2013, is now out of recess back in session. The first matter on the agenda is we'll take action on the Public Hearing concerning the same information as we talked about above, about the movement of the drainage easement. Is there any further input? Is there anyone what would like to remonstrate for or against the issue before the vote is taken? If not, I entertain a motion.

Rick Reid: What's the ordinance number on that?

Sherri Rector: 2013-27.

Don Williams: 2013-27.

Rick Reid: Motion to approve Ordinance 2013-27.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. The motion carries.

AREA PLAN COMMISSION

REZONING PETITION

PC-R-13-08 – Petition of River Ridge Church of Christ, Inc. by Charles Bartlett, Minister to rezone 1.8 acres located on the N side of Vann Rd. approximately 1225' E of the intersection formed by Prospect Dr. & Vann Rd from "M-2" General Industrial to "C-4" General Commercial, Lot 7 in Warrick Research & Industrial Center #6 recorded in Doc. # 2000R-004446 in the Office of the Warrick County Recorder, Ohio Twp. Advertised in the Standard October 3, 2013. Recommendation of approval by Plan Commission October 15, 2013.

Don Williams: Okay, Ms. Rector we have some Area Plan business if you want to take off on that.

Sherry Rector: Okay, the first item is Rezoning Petition PC-R-13-08 Petition of River Ridge Church of Christ, Inc, by Charles Bartlett, Minister to rezone one point eight (1.8) acres located on the north side of Vann Road approximately twelve hundred twenty five (1225) feet east of the intersection of Prospect Drive and Vann Road from "M-2" General Industrial to "C-4" General Commercial, Lot 7 in Warrick Research & Industrial Center number 6 and it is in Ohio Township. And it was a recommendation of approval by Plan Commission October 15, 2013. And the reason for the Rezoning a religious facility can go in any zoning, however Newburgh sewer instructed them that they had to rezone to a Commercial Zoning or they would have to put in some kind of man hole, something out there if it was zoned "M-2". So, that's why they're rezoning, it's the only reason.

Don Williams: Is there anybody here to represent this issue? If you would, Sir, come to the platform and mic and if you would give your name and address and your position.

Tony Barron: My name is Tony Barron; I live in Harpith Glen Trace in Henderson, Kentucky. Mr. Bartlett is unable to be here due to an illness so I'm here on his behalf.

Don Williams: What did you say again about Mr. Bartlett?

Tony Barren: He's not well so I'm here on his behalf.

Don Williams: Okay, do you have anything you would like to add?

Tony Barren: No, Sir. I know we sent out all of our requests and paperwork and everything came back from the businesses in the area with no objections.

Don Williams: Okay, do you have any questions from the Board? Does anybody in the public that would like to remonstrate for or against this issue? Hearing none I'll entertain a motion.

Rick Reid: I'll make a motion to approve PC-R-13-08.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: We need a...

Sherry Rector: Twenty eight (28).

Don Williams: I'm assuming its 2013-28?

Sherry Rector: Yes.

Don Williams: Okay, have another motion to approve Ordinance 2013-28. If I could have...

Marlin Weisheit: I'll make a motion to approve Ordinance number 2013-28.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Rick Reid: Thanks.

Tony Barren: Alright, thank you.

Don Williams: Give Mr. Bartlett our best.

AMENDING ORDINANCE TO THE SUBDIVISION CONTROL ORDINANCE

AMENDING ORDINANCE TO AMEND ARTICLE III A PROCEDURES FOR SUBMISSION OF PLATS SECTION 13: PROOF OF FINANCIAL RESPONSIBILITY (MAJOR SUBDIVISIONS) SUBSECTION (5) BY AMENDING (ii) AND ADDING (iii) OF THE SUBDIVISION CONTROL ORDINANCE. Advertised in the Standard October 3, 2013. Recommendation of approval by Plan Commission October 15, 2013.

The purpose of this ordinance will allow a subdivision plat to be recorded prior to sewer/water lines being substantially completed; however, permits will not be issued until a tap is issued by the utility and verbiage to that effect shall be placed upon the plat before recording.

Sherry Rector: The next item is an Amending Ordinance to the Subdivision Control Ordinance. Amending Ordinance to Amend Article III a procedures for Submission of plats section 13; proof of financial responsibility (major subdivisions) subsection (5) by amending (ii) and adding (iii) of the Subdivision Control Ordinance. It was a recommendation of approval by the Planning Commission. The purpose of ordinance will allow a subdivision plat to be recorded prior to sewer/water lines being substantially completed; however, permits will not be issued until a tap is issued by the utility and verbiage to that effect shall be placed upon the plat before recording. This issue again was brought up due to Newburgh Sewer Departments Rules of Procedure. A lot of times the developer wants to get the plats recorded before

Newburgh will issue them any sewer taps so they can start selling the lots, and this is put on the plat so they can get it recorded.

Don Williams: So this is a benefit to the Developer it sounds like.

Sherri Rector: Yes, yes it is.

Richard Reid: What's the ordinance number on that?

Sherri Reid: It will be 2013-29. We did this previously some years back, Don, and then it started happening again so...we just redid the ordinance.

Don Williams: Okay, any questions from the board?

Rick Reid: No.

Marlin Weisheit: I have none.

Don Williams: Mr. Weisheit?

Marlin Weisheit: I have none. I'll make motion to approve Ordinance 2013-29.

Rick Reid: Second.

Don Williams: Before we vote is there anyone in the public that would like to talk for or against this ordinance? Okay, I have a motion and a second. All in favor to approve Ordinance 2013-29 say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries three (3), zero (0).

REQUEST FOR EXTENSION OF SURETY

Lexington Subdivision by Barrington Development Group ~ Street, Sidewalk and Drainage Construction ~ Has had seven years. Requesting a one year extension with no reduction from \$367,120.59 for streets, no reduction from \$70,705.11 for sidewalks and a no reduction from \$82,133.19 for drainage. The ordinance allows for a maximum time period of 7 years for street construction and 9 years for sidewalk construction; therefore they are also requesting a modification from the Subdivision Control Ordinance for the street construction. LOC expires 12/7/13.

Sherri Rector: Alright, the next items are Request for Extension of Surety. Lexington Subdivision by Barrington Development Group; Street, Sidewalk and Drainage Construction. They have had seven (7) years requesting a one (1) year extension with no reduction from three hundred sixty seven thousand one hundred twenty dollars and fifty nine cents (\$367,120.59) for Streets, no reduction from seventy thousand seven hundred five dollars and eleven cents (\$70,705.11) for Sidewalks and no reduction from eighty two thousand one hundred thirty three dollars and nineteen cents (\$82,133.19) for Drainage. The Ordinance allows for a maximum time period of seven (7) years for Street Construction and nine (9) years for Sidewalk Construction; therefore they are also requesting a Modification from the Subdivision Ordinance for the Street Construction.

Don Williams: Anyone here to represent this issue?

Sherri Rector: And I will say that the County Engineer's Office has signed off on the dollar amounts. And we do send a copy of the agenda to parties.

Don Williams: What's the condition of the roads in the subdivision, do we know?

Brent Wendholt: The conditions of these roads are fair; I mean they're acceptable right now. They aren't falling apart yet.

Don Williams: Any questions from the Board? If not I'll entertain a motion. Do I have a motion?

Marlin Weisheit: I'll make a motion to approve.

Don Williams: Okay, do I have a second?

Rick Reid: I'll second it.

Don Williams: I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Arbor Pointe Subdivision Sec. 1 by Arbor Pointe Development, LLC, by Ray Zeller, Co-Manager. ~ Streets, Sidewalks & Drainage Construction. Has had six years. Requesting a one year extension. Dollar amounts for streets increases from \$73,065 to \$128,453; drainage from \$19,791.70 to \$24,792 and sidewalks remain at \$47,447.00 Total amount from \$140,302 to \$200,692.00. LOC expires 12/1/13.

Sherri Rector: Next is Arbor Pointe Subdivision Section one (1) by Arbor Pointe Development, LLC, by Ray Zeller, Co-Manager, Streets, Sidewalks and Drainage Construction. They have had six (6) years, requesting a one (1) year extension. Dollar amounts for Streets increase from seventy three thousand sixty five dollars (\$73,065.00) to one hundred twenty eight thousand four hundred fifty three (\$128,453.00), Drainage from nineteen thousand seven hundred ninety one dollars and seventy cents (\$19,791.70) to twenty four thousand seven hundred ninety two (\$24,792.00). And Sidewalks remain at forty seven thousand four hundred forty seven dollars (\$47,447.00). Total from one hundred forty thousand three hundred two dollars (\$140,302.00) to two hundred thousand six hundred ninety two dollars (200,692.00). The Letter of Credit expires December 1, 2013. You want Brent to explain?

Don Williams: Yeah, is there anyone here to represent this Arbor Pointe? If you would, come forward please. If you would go ahead and state your names and then we'll get our input.

Ray Zeller: My name is Ray Zeller; I live at 5221 Upper Mt. Vernon Road in Evansville.

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates, Project Engineer.

Don Williams: Okay, do you have anything to say before we talk to our Engineer?

Brent Wendholt: We had a meeting concerning this subdivision, the streets are...we have received APC and our Office has received numerous complaints concerning the roadways being, you know having damages to vehicles, they're falling apart. We had inspected, there does need to be some attention given to these road. They are in dire need of repair. I have pictures. So, we had had a meeting with Mr. Zeller concerning this and Bobby had sent you guy's emails. The work needs to be done to at least get it through the winter or else they're going to lose the entire roadway. Bobby recommends that we give them a two (2) week window to get some work to make them passable for the winter and then give them a six (6) month extension to finish the road and complete it properly. That's the way Bobby took it and that's about the best information I can give you guys.

Don Williams: Looks like truck damage to me.

Ray Zeller: Yes, Sir. We sold the back section of it and when they developed that the trucks hauling dirt and rocks and everything they've ran over these roads and there's a disagreement on who I guess is responsible for them. So my attorney and the banks attorney and everybody is getting involved in it but we did have a meeting last Thursday and we're trying to get some estimates on getting it fixed and hadn't been able to yet, the cost dollar.

Brent Wendholt: Bobby did say that the new estimate that Jim submitted for the roadways is an acceptable amount to get it properly fixed. He said that dollar amount is a good dollar amount that they are requesting.

Don Williams: You already told him the dollar amount is sufficient...

Brent Wendholt: For what they upped to fix...to properly fix the whole thing.

Rick Reid: And that can be done in two (2) weeks time?

Brent Wendholt: No, what we're doing...what we proposed for the two (2) weeks time is kind of a 'band aid' to make sure it doesn't fall apart anymore because you're running out of construction time for this year.

Rick Reid: Right, sure.

Sherri Rector: We are holding one (1) Letter of Credit and that's for Street, Sidewalks and Drainage. So, Mr. Zeller, if you could grant him a year for the Sidewalks and the Street and Drainage goes together, right?

Brent Wendholt: Correct.

Sherri Rector: So, for the Sidewalks, because he is within his time for an extension on the Sidewalks he could divide that out because if you draw...if you would draw the whole Letter of Credit you have to fix it all, you have to do it all, you know you just can't take the one hundred forty thousand dollars (\$140,000.00) and fix the Streets and not do the Sidewalks and Drainage, you have to do it all. So, that's another consideration is...

Brent Wendholt: Okay and a year extension for Sidewalks and then in six (6) months or whatever for everything else.

Don Williams: How extensive...I looked at those pictures and the area of damage is bad but what's the length of the actual damaged areas? Is it the entire roadway going back to the homes back there?

Brent Wendholt: There are sections that haven't fallen apart yet but they're showing signs of cracking. I don't have an exact length. Do you have an exact length of an area that's actually damaged?

Sherri Rector: Brent, if you want to show them...we put a little thing together.

Don Williams: Which area are we looking at?

Sherri Rector: Ask Brent. It's taken in all this, right?

Brent Wendholt: The main areas that are damaged are right in here, here and there's a big section in here if I remember right. I think there was one (1) over here too.

Don Williams: The people are living there, that's why they're...

Brent Wendholt: People are living here and then there's a few houses built here.

Sherri Rector: Mr. Murphy is building new homes here and here and he's getting ready to plat the rest of this back here and build more.

Brent Wendholt: Correct.

Sherry Rector: But the Letter of Credit is from all this, right?

Brent Wendholt: That is correct.

Sherry Rector: The streets that are shown on here is for all of that.

Don Williams: Well, this is a little bit unusual. Damage is here, here and here. So, where are you at on the resolution of the road repairs? I mean, it seems to be at least part of the immediate question.

Ray Zeller: We're waiting on estimates. I know Mr. Morley he figured so much a square foot I think and that's where the Letter of Credit comes from. But we're waiting on actual estimates to get them repaired, or get them patched for the winter or whatever.

Don Williams: Who have you contacted to do that?

Ray Zeller: I'm sorry?

Don Williams: You say you're waiting on estimates my question is who have you contacted to do that?

Jim Morley, Jr.: I put a call into Metzger Paving and to Affordable Asphalt both. Metzger I've yet to get a return call from and Affordable Asphalt told me they would have their price in this morning. I contacted both of them last week. I believe the same day we had our meeting. As of when I left to come up here I didn't have their price back from Affordable and nor had Metzger returned my call yet.

Don Williams: What kind of options do we have? I mean, I hesitate to approve the extension without knowing something about the road repair.

Marlin Weisheit: Brent, what did Bobby recommend a two (2) extension on getting repairs made?

Brent Wendholt: To get some kind of coat on it to get passable. Now that's a vague work, I understand, but whether we just put a chip seal coat over the top of it to patch it so everybody can drive across without doing damage to their vehicles. Something within two (2) weeks, they make a decision or...

Sherry Rector: I think he was recommending granting a six (6) month extension on the Letter of Credit with a condition if it wasn't 'band aid' fixed in two (2) weeks we draw the Letter of Credit.

Marlin Weisheit: Yeah.

Brent Wendholt: Cause it has to be something that's significant enough to last through the winter but that they can...that they're not spending a whole bunch of money or all their money on trying...you know, just to hold through.

Don Williams: Counselor, do you have any kind of input, any thoughts on the matter? And if you don't that's alright cause I know it wasn't on your agenda to look into.

Adam Long: Just at first glance I think that the only concern that I have about a two (2) week extension with a six (6) month extension is that it kind of confuses the purpose of the Letter of Credit. Because the Letter of Credit is my understanding is designed to fix the entire surface rather than repair a portion of it. So I think if you grant the six (6) month extension conditioned upon fixing the road so it's passable within two (2) weeks with the threat of drawing the Letter of Credit, I think that frustrates the purpose of the original Letter of Credit and so I think the best decision may be to review the entire request at the next meeting and determine whether the road is passable at that time.

Marlin Weisheit: Cause it doesn't expire until 12-01.

Adam Long: It doesn't, yes, that's correct.

Sherry Rector: And see after the next meeting that gives me two (2) days to get to the bank to draw it.

Don Williams: Is that plenty of time?

Sherry Rector: It's according to how fast Bobby goes out and Brent does Certifications and sees if it's done and all that.

Brent Wendholt: I'm pretty quick...

Sherry Rector: And then to grant him a Letter of Credit Extension he's not going to have time to get a new Letter of Credit in here unless he goes ahead...

Don Williams: Well, this is not a county road, it hasn't been accepted, I mean that's the deal, it's still private.

Sherry Rector: Right, so the only way it would work with him is he would have to go ahead to the bank with the thinking that he's going to be granted the Letter of Credit because he's going to have to bring it to the meeting Monday cause if you grant it it's supposed to be here ten (10) days before they expire and he won't have enough time to go to the bank and get a new one in two (2) weeks.

Don Williams: Can we approve contingent on a road being brought up to being passable, whatever that is?

Adam Long: That was my original concern, I mean I think that you can I just think it presents a peculiar question and that rather than drawing the Line of Credit to repair the road it's my understanding that based upon the terms you would just fix the entire road with the Letter of Credit rather than just repairing a portion of it cause that's what the intent of it was, I mean, that's my understanding is that that money is there to bring the road up to the full specs as what was originally intended and if that's what the Letter of Credit is for I don't think we can use it for any other purpose.

Sherry Rector: No.

Adam Long: So when it's drawn it's drawn to do the whole project which probably wouldn't be a good idea.

Marlin Weisheit: Yeah, you hate to see the top coat put on before the houses are all built out there, that's why we do this so...

Ray Zeller: We do have another section of it sold depending on the road, the condo section. The rest of that has a Purchase Agreement but its contingent on the roads also.

Adam Long: Contingent on being repaired or them taking control of building them?

Ray Zeller: No, it didn't say 'repaired' it says 'brought up to County standards'.

Sherri Rector: So Adam you're saying that they need to have the roads finished period, the whole thing in two (2) weeks?

Adam Long: No. I'm saying they need to fix it within two (2) weeks and we can approve a six (6) month Extension. I don't think we can draw down on the Letter of Credit to fix the road because that's not what the Letter of Credit was for.

Sherri Rector: No, we'd have to fix the whole road.

Adam Long: Exactly and I think that we can...the Commissioners could give consensus essentially that says 'they guys if you within two (2) weeks get that road passable and make the Engineers Office happy then we'll approve that Letter of Credit' so that way the Bank knows that the Board is on board with doing that. I mean, it certainly does have a short time frame but procedurally I can't control my opinion based upon the amount of time we have left, I have to do it the way I think that is right.

Sherri Rector: Well, if he hasn't given us one (1) we'll have to go draw it anyway.

Adam Long: Sure. So, that would be the way I think it would need to be done and I do apologize for the amount of time that is available but I do think it would be functional, it'd just have to be ready when the time comes to do the appropriate paperwork.

Ray Zeller: Up until last Thursday we wasn't under the impression that it was our responsibility. When we sold the other piece of property we thought...and the Purchase Agreement read that the new one was responsible for the roads north.

Rick Reid: Who did you say was responsible you thought was responsible for the roads?

Ray Zeller: New Urban Homes.

Don Williams: And they're saying 'we don't own that property on each side of the road and you do so it's your responsibility'

Ray Zeller: Right...well, or the term 'turnabout' isn't it?

Jim Morley, Jr.: Yes.

Ray Zeller: There's a question on the terminology in the contract.

Don Williams: Can you get it done in two (2) weeks where it's...? Get it patched.

Ray Zeller: We've been trying to get estimates for almost a week now and we haven't got them, you know.

Don Williams: Well, make a call.

Roger Emmons: You got to stay on them.

Don Williams: What's that?

Roger Emmons: You got to stay on them.

Sherri Rector: I think Metzger's is out there working now aren't they? Somebody's out there I thought working.

Brent Wendholt: Metzger was there paving Section 2.

Sherri Rector: That's what I mean, they're out there paving.

Brent Wendholt: They were out there paving Section 2, yes.

Ray Zeller: They're no longer there.

Brent Wendholt: They pulled off.

Sherri Rector: Oh, okay. Are you asking to separate your Sidewalks separately from your Streets or not?

Ray Zeller: It doesn't matter to me, I mean it...

Don Williams: You haven't had this either, Jim?

Jim Morley, Jr.: What's that?

Don Williams: You haven't had this either before have you, this problem?

Jim Morley, Jr.: It's a unique situation. A unique situation that I don't think anybody is happy to be in.

Don Williams: No.

Adam Long: Sherri, do you recommend that they separate them so they can get Extensions granted with respect to the other individual pieces rather than having the...

Don Williams: I would suggest that.

Sherri Rector: I would think so because the County is not in the business of putting in sidewalks and streets and he's allowed by the ordinance to have an Extension for the sidewalks.

Unknown Speaker: (Cannot understand)

Sherri Rector: No he's...well, it's all due on the 1st but he's fine with the Ordinance on Sidewalks just for renewing the Letter of Credit. A new Letter of Credit for the Sidewalks I should say separately.

Don Williams: So you're talking about separate on, let's see Drainage and Roads would still be together.

Brent Wendholt: Correct.

Sherri Rector: Right and the Sidewalks would be forty seven four four seven (\$47,447.00).

Don Williams: Let's break them out...let's separate those and get two (2) Letters. You guys want to postpone this for two (2) weeks and give them a chance to get the roads brought up?

Marlin Weisheit: I mean I'm...that's my feeling, go on the Engineers request too just to give them two (2) weeks to get the repairs done as long as they're repaired to make it through the winter then I would be willing to grant the Extensions.

Don Williams: And they need to bring the Letter of Credits with them?

Marlin Weisheit: Yes, if the roads aren't done...

Don Williams: On the 28th?

Marlin Weisheit: Yeah.

Jim Morley, Jr.: Can I ask a question before you make a motion?

Don Williams: Yeah, go ahead. We want to work with Mr. Zeller, don't get the wrong idea, but we got a problem, we've had numerous, numerous calls.

Jim Morley, Jr.: I don't know if they can get it patched in the next two (2) weeks or not one way or the other but if they do work out there in the next two (2) weeks and let's say it's ten thousand dollars (\$10,000.00) worth of work, whatever it is, in theory that ten thousand dollars (\$10,000.00) is money that is included in that Letter of Credit value. If he is renewing a Letter of Credit do we reduce the Letter of Credit renewed by the amount that he spends in the next two (2) weeks? Does that make sense what I'm asking?

Don Williams: No.

Unknown Speaker: Depends what it looks like. There's a lot of value...yeah.

Marlin Weisheit: Yeah, I mean we're still just maintaining the base coat though that's...

Rick Reid: Yeah, I don't think so.

Sherri Rector: But they've raised the dollar amount by sixty thousand dollars (\$60,000.00) to fix it.

Brent Wendholt: Yeah, cause we're talking dig outs and things like that involved as well. The patching that we're...the 'band aid' as we call them, it's just more or less making surface coat passable to get rid of the big chunks, covering those up, getting them sealed back up. If the base repair is still in need of repair, which I'm thinking that's part of your sixty thousand (\$60,000.00) is part of that, the base repair, in case it does need repair.

Jim Morley, Jr.: Yeah, the sixty whatever that dollar value included digging out bad areas...

Brent Wendholt: Correct.

Jim Morley, Jr.: And rebuilding the bad areas and then that overlay.

Brent Wendholt: That's why I hate to take away from that money because I think the dig outs are still a big portion of that as well.

Rick Reid: It's going to be even higher than that if they don't do it.

Don Williams: When they do it right.

Jim Morley, Jr.: Okay, I just wanted...

Don Williams: We're just talking about a 'band aid' right now to get us through the winter.

Rick Reid: This next meeting will be at 10:00...

Don Williams: Right, on the 28th it'll be 10:00.

Roger Emmons: It's the 25th.

Adam Long: That makes it even more difficult to assist cause it's in the morning of that day.

Roger Emmons: It's the 25th of November.

Don Williams: Yeah, the 25th, and we could, we have time, Roger, we could change that to 4:00 but I think we're just going to keep it where it's at. We set that at the beginning of year with the understanding that the Commissioner Conference would start that week and they put it back a week so...

Roger Emmons: We can change the time if that's what the Board wants.

Sherri Rector: I like 10:00.

Don Williams: 10:00 is fine. So it'll be 10:00 on the 28th.

Jim Morley, Jr.: 10:00 on the 25th.

Don Williams: 25th, I'm sorry, the 25th.

Sherri Rector: I'm glad you said that cause I didn't know that.

Don Williams: So you all understand that you all need to get something going on to repair and bring some Letters of Credit with you so we can approve it on the spot.

Jim Morley, Jr.: For clarification this is going to be in the motion; the new Letter of Credit will need to be for the values that I submitted, is that right, Brent? You're okay with those values?

Don Williams: Yes, except to put out the Sidewalks, that's the only thing.

Brent Wendholt: Yes.

Don Williams: It'll be two (2) Letters instead of one (1). That's the way I understand.

Sherri Rector: And so that...I ask this question cause we have...the meeting is Monday at 10:00 so you would go out and inspect that Friday before.

Brent Wendholt: Yes, Friday afternoon would probably be the best time to go check it, take pictures, investigate it, inspect it. Now Bobby doesn't work some Fridays so you guys have to convince him that he needs to show up out there Friday afternoon.

Don Williams: If he needs to be there then he'll be there.

Rick Reid: So what do you need now a motion to table?

Don Williams: I think we need a motion to table it until the 28th.

Roger Emmons: The 25th.

Don Williams: I keep saying 28th, the 25th...there must be something about the 28th, what it is, it must be Thanksgiving or something, my mind is in the wrong spot there.

Marlin Weisheit: Thanksgiving.

Roger Emmons: The last meeting in October was the 28th maybe that was it.

Don Williams: Yeah, maybe that's what it is.

Sherri Rector: That is Thanksgiving.

Don Williams: So it'll be the...it is Thanksgiving, the 25th at 10:00 and I think we need a motion to table it until then and in the mean time instructions are to fix the road, make it passable and bring your couple Letters of Credit with you for the amounts that you said.

Rick Reid: I'll make that motion.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye.

Jim Morley, Jr.: Thank you for your time.

Marlin Weisheit: Thank you.

Ray Zeller: Thank you.

DRAW LETTERS OF CREDIT

Sandals Subdivision Section B IV by Charles Murphy ~ Street and Drainage Construction ~ \$5,000.00 ~ Has had seven years ~ LOC expires 12/11/13. Developer submitting a cashier's check for \$5,000.00 for County to draw and complete the work.

Sherri Rector: This is Draw Letters of Credit, Sandals Subdivision Section B IV by Charles Murphy, Street and Drainage Construction, five thousand dollars (\$5,000.00). He has had seven (7) of years, Letter of Credit expires on December the 11th. The Developer has submitted a cashier's check to our office for five thousand dollars (\$5,000.00) for the County to complete the work. So we have that and then it will be placed in the Highway Fund for completion and Brent can tell you what it's for.

Brent Wendholt: Okay, this work is for, in the rear yards along the west side, there needs to be a drainage swell and it hasn't been installed yet so it will...that money will go directly to installing a drainage swell on the west property line as part of the drainage plans when it was originally developed.

Sherri Rector: So I guess I'm just reporting that he submitted a check...

Don Williams: He said 'hey I'm not going to do, you do it for me'?

Sherri Rector: Yes.

Brent Wendholt: Yes, exactly.

Sherri Rector: Yes, exactly.

Roger Emmons: But do they need a motion to actually draw it and use it?

Don Williams: We'd use it.

Sherri Rector: No, we have a Letter of Credit. He gave us a check to replace the Letter of Credit so I don't have to draw the Letter of Credit; he brought in a check to the County.

Don Williams: Is the five thousand (\$5,000.00) sufficient?

Sherri Rector: Yes.

Don Williams: Okay.

Roger Emmons: Would that be in Highway Donation or your other Fund, Sherri?

Sherri Rector: It goes into the Highway Fund just for that.

Brent Wendholt: For Sandals.

Roger Emmons: Okay.

Sherri Rector: Or escrowed in for that. It goes into the Highway Department Fund, what do you call it?

Brent Wendholt: Highway Donation.

Roger Emmons: It's Highway Donation Fund.

Sherri Rector: It goes into there and then you draw; you pay out of there for somebody to finish...

Roger Emmons: Okay.

Rick Reid: What if we don't have enough money for that?

Don Williams: Well, they're saying there is enough money.

Rick Reid: You think there's enough for that?

Sherri Rector: Well, it really kind doesn't matter because we accepted it last time and he's not renewing it so whether it be a Cashier's Check or a Letter of Credit we're not going to get anymore than five thousand (\$5,000.00).

Don Williams: It don't really matter.

Roger Emmons: We just as well do the work, Brent?

Brent Wendholt: Right.

Roger Emmons: To oversee it and make sure it's done right.

Brent Wendholt: Correct.

Don Williams: I entertain a motion.

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Hickory Hill Subdivision by PTN, Enterprises, Inc, Phil Nuffer, Pres. ~ \$25,462.93~ Streets, Sidewalks and Erosion Control Construction ~ has had five years (5) years. LOC expires 11/21/13. Informed by bank the developer will not be renewing and to draw the Letter of Credit. (\$14,618.98 – Streets; \$5,529.24 – sidewalks; \$3,000 – erosion control; \$2,314.81 – 10% contingency)

Sherri Rector: And the next one is Hickory Hill Subdivision by PTN, Enterprises, Inc, Phil Nuffer, President. We are holding twenty five thousand four hundred and sixty two dollars and ninety three cents (\$25,462.93) for Streets, Sidewalks and Erosion Control. They've had five (5) years, I went back and forth with Bank and they were trying to work it out, I believe that it's going into foreclosure and they called the other day, Mark Barkley from I think it's Boonville National, it's a new bank here in town, and he said they have decided for us just to go ahead and draw the Letter of Credit.

Don Williams: You did explain to him to him that does affect their credit didn't you?

Sherri Rector: Nuffer's don't even ask...

Don Williams: You don't have to answer that.

Sherri Rector: So, anyway, I'm just reporting to you that I will be going down and drawing a Letter of Credit.

Don Williams: Okay. Plus the ten percent (10%) contingency, right?

Sherri Rector: Yes.

Don Williams: Okay, I entertain a motion to draw the Letter.

Marlin Weisheit: So moved.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Sherri Rector: That's all I have, thank you.

Don Williams: That was plenty.

Sherri Rector: I know. You better hurry, IU plays at 5:00.

Adam Long: That's right, twenty (20) minutes.

Roger Emmons: You're going to miss it.

ITEMS FOR DISCUSSION

Jim Bush ~ Request Use of County Roads for Rise Up and Run 5K/10K at Crossroads Christian Church

Don Williams: Okay, Items for Discussion.

Roger Emmons: Jim Bush is here to request use of County Roads for his Rise Up and Run 5K/10K at Crossroads Christian Church. I copied you on Mr. Bush's color map showing the route plus a sheet to show a street by street listing of the route. With that I will turn it over to Mr. Bush.

Jim Bush: Hi, how are you? You guys have maps?

Don Williams: We do.

Jim Bush: Okay. It's going to be on April 19th at Crossroad Church the Saturday before Easter, it's a 5K/10K and then they'll do a one (1) mile walk around their campus. It's still just a 5K route just the 10K people do the route twice. I have filed a Parade Permit Request for the City of Evansville which is the Newburgh Road section of the route. Last year we used two (2) Sheriff's and two (2) City Police to manage the route. Sergeant Evans is a contact with the Evansville PD.

Don Williams: Okay, pretty much the same as you had last year?

Jim Bush: Correct.

Don Williams: Any comments from the Board?

Rick Reid: I think it's great.

Roger Emmons: Have you talked to our Sheriff's Department for the part in Warrick County?

Jim Bush: Yes.

Roger Emmons: Okay, just checking.

Don Williams: What's the will of the Board?

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Jim Bush: Thank you very much.

Marlin Weisheit: I hope you have pretty weather for it.

Jim Bush: Okay, thank you.

DEPARTMENTAL REPORTS

COUNTY ADMINISTRATOR

Request for Consideration of SIRS Purchasing Fuel From County Garage (tabled from 9/23/13 and 10/28/13)

Don Williams: Roger, Departmental Reports, County Administrator.

Roger Emmons: The next item Request for Consideration of SIRS Purchasing Fuel from County Garage it's been tabled a couple of times. Adam had some emails that we were copied on with Debbie Gibson, a Certified Public Accountant for the...who is also County Office Supervisor for the Indiana State Board of Accounts and given it's legal matter I would turn it over to Adam for comment.

Adam Long: Thank you, Roger, just briefly I think the content of the communication sums up the position that we're in. The State Board of Accounts said that they did not find that having third parties in line with us as Purchasing Agents on the Contract or Purchasing 'Entities' not an 'Agent', just third party purchasing entities on a contract isn't much of a problem but they need to be listed as a party under the previous operation of the program, a informal program I guess you'd call it that's been done over the few years, they weren't a party to the contract and it was more of a 'credit' type situation. And essentially the State Board of Accounts is saying if 'A' and 'B' want to buy fuel from 'C' then 'A' and 'B' need to be listed on the contract together and have their individual payment obligations within the same but they are still able to negotiate for the same price of fuel within the contract so I think the issue would be that when this comes up for renewal that we reach out to the people that were interested and have them meet with us and determine who all will be using this such as SIRS or the Warrick County Council on Aging. And we can draft the Contract in such a way where the seller is selling more fuel, the people that are on board with us are getting fuel at a cheaper price but it's not under a credit scenario that we've experienced.

Roger Emmons: Let me interrupt for a second, I think Patty Oser is here representing SIRS, Kelly had a previous commitment so in that contract, if they enter into them, and Joe told me the fuel wouldn't be up for bid until...did you say March of next year?

Joe Grassman: March 31st.

Roger Emmons: March 31st. At that time would they then be paying the supplier directly?

Adam Long: Until that time?

Don Williams: At that time.

Roger Emmons: No, no, I think tonight the Commissioners are going to have to terminate the practice with Warrick County Council on Aging because of what State Board of Accounts has told us. But March 31st when it's rebid, and if the contracts are entered into say SIRS and Council on Aging, they are able to get their fuel from the County Highway Department...

Don Williams: Not from through.

Roger Emmons: Through that.

Adam Long: Through that, yes.

Roger Emmons: Yeah, but are they paying us or are they paying the supplier?

Adam Long: I think as the time approaches it would be a question that we would want to maybe clarify with the State Board of Accounts because the way I would envision it occurring is that there be like a paid up, month-in-advance anticipated fuel cost that we receive and they buy it from us but the supplier's receiving one (1) check.

Roger Emmons: Okay.

Adam Long: Subsequent months we can have a redeposit of any overage so to speak or we could require the fuel shut off until the overage is paid or something to that extent but...

Roger Emmons: To avoid extending credit then? They're part of the contract.

Adam Long: We need to avoid doing that. I think that's...I think the question that came up was whether we could do it and they answered that, they said no.

Roger Emmons: Right.

Adam Long: So that will be...the way we would handle is we could do a couple of different things, have them pay the supplier directly, have them pay us at the time they receive the fuel or have them pay in advance. Let's say they anticipate they use five hundred dollars (\$500.00) of the fuel a month, well, they have five hundred and fifty dollars (\$550.00) sitting here and then we draw out of the money and then they just pay that money monthly but they've paid it in advance and they're able to draw off of that.

Roger Emmons: Gotcha, okay, thank you.

Adam Long: Sure.

Don Williams: So we're not taking any action on that, the only one we got to do is terminate the one it sounds to me like.

Roger Emmons: Yes, with the Warrick County Council...

Don Williams: And I'll be honest with you all, this is not...the only criteria right now is they be non-profit. You know how many non-profits there are in the county? Including churches? And if we extend the same deal to churches then we got Church of State issues. I mean, there's just a whole can of worms here and I'm not willing to open them up but I think we can take it one step at a time. We got a lot to look through between now and March or whenever we do this.

Marlin Weisheit: If it's just these two (2) entities I'd probably be okay with it but I'm like you; where does it stop? Because they both provide a service to the citizens here in Warrick County, it's badly needed and if it helps them...

Don Williams: Every non-profit will tell you that...

Marlin Weisheit: Yes, I know.

Don Williams: And every non-profit is probably right so... I think we deal with the point at hand which is the Warrick County Senior Citizens which I know we all hate to do but I don't think we have any option with the State Board of Accounts saying what they've said. What's the will of the Board concerning that issue and then we'll deal with the SIRS issue immediately after that. I think we can take it one step at a time.

Marlin Weisheit: Do you need a motion?

Don Williams: I do considering the Senior Citizens.

Marlin Weisheit: Okay, I'd make a motion that we stop that practice based on what the State Board of Account has told us as far as...

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Did you say aye?

Rick Reid: Aye.

Don Williams: Okay, motion carried three (3), zero (0). The item concerning SIRS that's at least five (5), six (6) months down the pike I would like to see this taken off of the agenda until such time as we start looking at those fuel contracts and we can look at it a little ahead of time, decide if we even want to get into doing this or not. I don't know of any other county that does anything at all like that.

Rick Reid: I'll make a motion to delay.

Don Williams: To remove it from the agenda?

Rick Reid: Yeah, right.

Don Williams: Until...?

Rick Reid: Further notice.

Don Williams: Yeah, until such time that we look at the fuel contracts, is that...?

Rick Reid: Yes.

Don Williams: That's the motion.

Marlin Weisheit: Second.

Don Williams: Motion and a second to remove from the agenda until we start looking at the fuel contracts. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Adam Long: Just for information purposes it would be good for the SIRS Representatives or Warrick County Council on Aging Representatives to communicate with Joe sometime in late January, early February.

Marlin Weisheit: I agree.

Adam Long: Is that, I mean...in the event they would approach the county with renewed request, is that the time frame that they're looking for? Because then what the issue will be is if we rebid it and let's say that I would be around next year the contracts will need to be written and probably will take some time and we might be beyond the bidding process trying to get the language tied up because instead of having two (2) lawyers look at it now you're going to have four (4) or five (5) or seven (7) or eight (8) so they need to approach the County with enough advance notice if they're interested.

Don Williams: I would agree unless the Board at this point and time decides they don't want to get involved in I for one don't want to get involved in it; I don't know how the other two (2) Commissioners are but. And I think these are both very, very, very worthwhile organizations and great people in them and running them, it's just...I think we're going way in over our head on this. You two (2) just want to wait and look at it?

Marlin Weisheit: Yeah, I mean, I'm willing to work with these two if possible.

Don Williams: Okay, that's what we'll do then.

Marlin Weisheit: I'm like you there's got to be a limit to it that's for sure.

Rick Reid: Don't want to open up the door though.

Discuss Commissioners' Tax Certificate Sale

Roger Emmons: The next item is to discuss Commissioners' Tax Certificate Sale and we met...by we Marlin and Rick were there with Glen Luedtke with SRI, Cheyenne Phillips was there, I think Dixie was there to discuss the parcels that did not sell at the October 15th Tax Sale. One hundred eleven (111) parcels and in this listing there are thirty seven (37) parcels that are minerals only. Cheyenne...not just Cheyenne but Glenn mentioned that the commissioners should probably consider not listing those on the Tax Certificate Sale.

Don Williams: I agree.

Roger Emmons: And then she also copied the Commissioners on her November 8th email to me regarding the three (3) parcels that are listed as 'Building only' Barb Pryor from the Assessor's Office went out and confirmed that those buildings are still there so that the Commissioners can list them but Cheyenne was under the opinion they probably wouldn't sell because the land doesn't go with the building. It's building only.

Don Williams: I would like to talk to Mrs. Pryor, if you could come up please, that you looked at these homes, I have a question, I want to make sure we get it on the record. Sorry to trouble you so early. You had a chance to look at all three (3) of these properties and the building which was in question?

Barb Pryor: Yes, if they're the ones...two (2) at Yellow Banks and...

Rogers Emmons: Um-hm.

Barb Pryor: Okay, yes.

Don Williams: I mean are we talking about what kind of houses, what kind of buildings are we talking...

Barb Pryor: We're talking about some dilapidated mobile homes and a dilapidated cabin.

Don Williams: Which basically there's very little value it sounds like.

Barb Pryor: Exactly.

Don Williams: Yeah, I see no reason to include them either then.

Barb Pryor: Okay.

Don Williams: I thought that if they were good structures where somebody might want to move them off their property cause that's no uncommon, then we'd keep them on the tax sale.

Rick Reid: You might as well get salvage value out of them too.

Roger Emmons: They're probably pretty run down I'd say.

Don Williams: We could put them on Tax Sale and somebody may want to come...well, the one (1) that's got the trailers, I don't know what anybody would want with them but...

Rick Reid: There's salvage value in some of them.

Don Williams: What about the home that's made out of wood, its dilapidated, is there wood that salvageable?

Roger Emmons: Is that the Fifty Acres Drive home?

Barb Pryor: Give me the addresses. The one on Fifty Acres Drive is more of a pole barn which is your better piece.

Roger Emmons: Okay.

Barb Pryor: But it is a pole barn, if you can possibly move a pole barn, with dirt floor.

Don Williams: No, somebody would have to buy it just for the value of the wood. And it doesn't sound like it.

Barb Pryor: The other building at Yellow Banks is...it's just...you can't even move it it's that bad. No one would want to.

Don Williams: All it costs us is the advertising to put those three (3) on but I agree chances are nobody's going to want to bid on them since the property doesn't go with it. Who would want to buy a dilapidated trailer or a dilapidated pole barn?

Roger Emmons: There's building only...12733 Yellow Bank Trail Lot 93 North, that's one of them...

Don Williams: Do you know how much the back taxes are, Roger? Do you have that?

Roger Emmons: It says the taxes owed at the tax sale on that one is one thousand eighty hundred forty three dollars and forty four cents (\$1,843.44).

Barb Pryor: Is one of them a Washington Street, Washington Avenue, Chandler?

Roger Emmons: I'm trying to find where that...here it is 514 West Washington, building only, it's a mobile home.

Barb Pryor: I think the taxes are...

Roger Emmons: Twenty one thousand one sixty twenty four (\$21,160.24).

Don Williams: Oh my.

Barb Pryor: Yeah, so...

Don Williams: Yeah, there's no need to list that either. What do you think, fellas, do you want to list this or not?

Marlin Weisheit: I don't see any need in listing them myself.

Rick Reid: Probably not.

Don Williams: Thank you very much, Mrs. Pryor.

Roger Emmons: Alright, so that reduces it to seventy one (71) parcels. So I will have to prepare a Resolution for the Commissioners to approve with those and before I do that I will get with Warrick Publishing to find out the cost of...it has to be published three (3) consecutive weeks, find out the total cost, divide it by the number of parcels to get a price per parcel and then the Commissioners can either round that, you could round it up and then put a minimum price on the Tax Certificate. So I don't know if there's any action they need to take today other than...

Don Williams: I don't think there's any.

Roger Emmons: Motion for the seventy one (71) parcels mentioned.

Adam Long: I think consensus for the preparation of the Resolution is appropriate.

Roger Emmons: Okay.

Marlin Weisheit: I'm in favor of it.

Don Williams: Yeah, go ahead for the seventy one (71) parcels.

Roger Emmons: Alright.

Don Williams: Roger let us...if you would just email us and let us know what the advertising prices are.

Roger Emmons: Okay.

Don Williams: We got to look at those parcels and set values.

Roger Emmons: I did...Adam did I put a copy of this in your mailbox?

Adam Long: I don't believe so.

Roger Emmons: You don't believe so?

Adam Long: I don't believe...I'll go look.

Roger Emmons: Okay, this is what Glen Luedtke gave us.

Don Williams: How many did he have, I haven't seen one of those.

Roger Emmons: I've got plenty. I'll make sure you get one.

Don Williams: Okay. Make sure I get one.

Adam Long: No, Roger.

Roger Emmons: I'll get you one.

Progress Report on Old Lillpop Building

Roger Emmons: Next item is a progress report on the Old Lillpop Building. So far we've received no bids. I really don't anticipate that we will. The reason I say that is I spoke with the only person who showed any interest. He told me he had his contractor and estimator look at the cost of the new roof alone would preclude him from making any profit so he indicated he would not be...

Don Williams: Interested.

Roger Emmons: Submitting a bid.

Don Williams: Okay, so if anybody knows anybody interested on bidding it I'll tell you what, we can shut this off anytime, I'd like to wait until the first of the year, see if we get any bids. Anybody knows of anybody that might be interested you might talk to them. Some of these people that were pleading not to tear that building down, they need to buy it.

Roger Emmons: I'll make a note of that.

Don Williams: And bring it up to the code.

Roger Emmons: I think Gary Crick was one of...

Don Williams: He was. And I think Dr. Barnett was another; I can't remember who the other one was but...

Roger Emmons: Okay, but he'll know.

Don Williams: They need to understand that we're willing to sell that but it's going to have to be brought up to code to any purchaser and we need to set a time limit on that I would think, for it to be brought up to code, probably twelve (12) or twenty four (24) months would be my thought.

Change Order for Courthouse Repairs – Heidorn Construction

Roger Emmons: Next item is some additional items I have for you today and the first one has to do with the damage that was done to the Courthouse lawn when Heidorn Construction was making the Courthouse repairs at the top of the building. I talked to Steve Heidorn today of Heidorn Construction. He would be willing to prepare a change order to deduct fifteen hundred dollars (\$1,500.00) from the bid price, the awarded price. That price was forty six thousand seven hundred eight seven dollars (\$46,787.00). If you take off the fifteen hundred (\$1,500.00) for the change order deduct that puts it down to forty five thousand five thousand two hundred eighty seven (\$45,287.00). We would use the fifteen hundred dollars (\$1,500.00) left over in that Courthouse Repair line item to buy the seed and straw that Bobby's crews will need to make the lawn repairs after the Holidays and timing it so that the grass seed comes up next year.

Don Williams: And some dirt's going to have to be brought in to fill in the ruts.

Roger Emmons: Yes.

Don Williams: I think we have a source for that already located.

Roger Emmons: Yeah, Bobby said he had the dirt. So, I would suggest that the Commissioner consider approving the change orders subject to Mr. Heidorn presenting it as being proper form. It's for Don's signature as Board President.

Don Williams: Entertain a motion for that effect.

Marlin Weisheit: I'd make that a motion.

Rick Reid: Second.

Don Williams: Okay, I have a motion to lower the price by...

Marlin Weisheit: Fifteen hundred (\$1,500.00).

Don Williams: Fifteen hundred (\$1,500.00).

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Thank you.

Roger Emmons: Thank you.

AFLAC

Roger Emmons: The next item has to do with AFLAC you approved AFLAC offering their new Hospital Advantage Plan on October the 15th. For years now Cheryl Seger, the AFLAC Agent, she's been coming down visiting new employees and she would like to visit the Sheriff's Office/Jail, Highway Department, Solid Waste Management District, Animal Control, Courthouse; and the Auditor's Office within...beginning next week and up to the end of the first week in December. That's basically within your...the Commissioners approved open enrollment period between November the

10th and December the 10th. It is consistent with past practice with AFLAC and I believe you should approve those sites.

Don Williams: Okay, what's the will of the Board?

Rick Reid: I make a motion to approve.

Don Williams: I have a motion. Do I have a second?

Marlin Weisheit: I'll make a reluctantly, I just...I think it ought to be on a voluntary basis for the employees though to sit down with them.

Don Williams: Oh, it is.

Roger Emmons: I broadcast that that it is their choice.

Don Williams: It is strictly voluntary.

Marlin Weisheit: Okay, I wanted to make sure cause sometime I know we've held up the Highway Department for an hour at a time out there while they sit and talk.

Rick Reid: No, that's never good.

Don Williams: No, nobody needs to do that.

Roger Emmons: Mr. President, I have one (1) last item that came up...was that voted on? It was wasn't it?

Don Williams: Yeah.

Adam Long: I don't recall a vote.

Don Williams: I don't think we did.

Rick Reid: I don't think we did. We make a motion and approved.

Marlin Weisheit: I did second it.

Don Williams: All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Roger Emmons: Thank you.

BeneStar Group Retiree Health Solutions Renewal Letter.

Roger Emmons: One (1) last item, the Benestar Group Retiree Health Solutions Renewal Letter because that came between the October 28th and this meeting today, the BeneStar administers two (2) things; the Hartford does the retirees medical plan and Express Scripts does the retirees prescription drug program. They wanted that back by November the 8th so Don signed it on the 6th and I'd like for the Board, you know you can either acknowledge it; I just wanted to get it in the record that it has been renewed and the Auditor's Office, Sharon Shoulders has the renewal and the rates for 2014. She's notifying the retirees of that.

Don Williams: Okay, entertain a motion.

Marlin Weisheit: Make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Roger Emmons: Thank you, Gentlemen, that's all I have.

COUNTY ASSESSOR

Revised Car Request

Don Williams: County Assessor, come forth.

Marlin Weisheit: The crowds slimming down, it's getting closer to tip off time.

Adam Long: Oh, it's tipped.

Don Williams: The boss couldn't come today?

Barbie Shelton: She's out of town.

Barb Pryor: Out of Country.

Roger Emmons: She's out of the Country.

Barbie Shelton: Well, she should be back.

Don Williams: Smart girl. (Laughter) That made you the sacrificial lambs.

Barb Pryor: I hope not.

Don Williams: Speak your piece.

Barb Pryor: I think you have everything that...all of the information so...

Don Williams: I have one (1) question.

Barb Pryor: Yes.

Don Williams: What are you going to put in this car to make it run?

Barb Pryor: Gas.

Don Williams: Do you have a fuel line item in your budget?

Barbie Shelton: We have been using it for travel when we use the Commissioners car. We're paying for the fuel out of the travel line item.

Roger Emmons: And that travel line item got reduced by the County Council from four thousand (\$4,000.00) to six hundred (\$600.00) for next year?

Barbie Shelton: Yes, that is correct.

Don Williams: To six hundred dollars (\$600.00)?

Barbie Shelton: Yes.

Adam Long: And that's the same line item you pay mileage with and you're paying six thousand dollars (\$6,000.00) or so in mileage a year?

Barbie Shelton: Correct.

Adam Long: They have a different calculator then I've seen.

Marlin Weisheit: I'm sure you're going to have to go back and request an additional probably sometime next year for...

Barbie Shelton: I would think so, yes.

Marlin Weisheit: But you anticipate that the insurance and the fuel and the upkeep of the car will be maintained out of the Assessor's Budget, right?

Barbie Shelton: Yes.

Roger Emmons: I know in Angela's November 1st email she stated that she didn't feel like the funds will be there in 2014 to cover this purchase. In order for them to be able to use this year's funds they've got to get it ordered this month. December 1st is too late. They got to get it encumbered so they can pay...

Don Williams: And how many miles you put on that car a year, about ten thousand (10,000)?

Barb Pryor: On whose car?

Don Williams: Whatever you use.

Rick Reid: This proposed car that you need.

Barb Pryor: Proposed car? It's hard to say.

Don Williams: Well, according to the letter they spend four thousand five hundred dollars (\$4,500.00) on reimbursement if you figure, you know the mileage it comes out to about ten thousand (10,000), a little over ten thousand (10,000) a year.

Barb Pryor: Okay...

Don Williams: Six hundred dollars (\$600.00) will give you seventeen hundred (1,700) miles. And that's figuring it three fifty (\$3.50) a gallon so it could be a little more or a little less. I'm just saying I see problems here.

Barb Pryor: Well, it is, I totally understand, it is a problem, but it is also a problem when I have to use my car, to pay me too.

Don Williams: I understand, I understand you got to be reimbursed. So the deal is you got money in the budget so you can buy a new car this year...and who is going to pick up the insurance? Us, the Commissioners?

Rick Reid: No, they said they will.

Barbie Shelton: No, I think the Assessor's Office.

Rick Reid: And the gas...

Don Williams: I'm sorry; I'm just looking for...

Barb Pryor: No, on...

Don Williams: Council line items to enable you to do this I see us ending up paying for it which means since you all buy it it still belongs to the Commissioners then Commissioner Reid can start driving it.

Roger Emmons: It will be titled to the Commissioners.

Don Williams: Yes, I understand that.

Barbie Shelton: Right.

Don Williams: We own all the cars including the Sheriff's.

Barb Pryor: Well, when we're not using he's free and clear to use it.

Rick Reid: I'm not asking.

Barb Pryor: Okay.

Roger Emmons: This would be a first...any County vehicle that's not covered in another vehicle schedule, for an example, the Highways vehicles and equipment are on the Commissioner schedule and that's paid out of the Commissioners and the Council budgets that money in the Commissioner budget. So, I don't have a problem giving them the bill to pay it if they've got the money.

Marlin Weisheit: Well, this has been an issue for months, I know Angela's been here a couple of times and this is not the first request. I'm in favor of allowing to do this, I'll go ahead and make the motion to allow the...

Don Williams: Has there been any other quotes or bid for a vehicle?

Barb Pryor: Has she gotten...I don't know if she has or not.

Barbie Shelton: I'm not real sure, I know...

Don Williams: Are we talking about a sub-compact? What are we talking about here? Mid-size...?

Roger Emmons: 2014 Kia Sorento.

Barbie Pryor: Right.

Don Williams: Is that a sub-compact? I mean, I don't know what it is.

Barb Pryor: It's a small SUV.

Marlin Weisheit: Yeah.

Rick Reid: 4-wheel drive.

Don Williams: Are you aware that you can go to Enterprise and rent a car on a monthly basis and the same amount you're paying for a new car you can have a brand new car every year for three (3) years? Paying rent.

Barb Pryor: No, I wasn't aware of that.

Barbie Shelton: Angela had checked into that...

Don Williams: So did I.

Barbie Shelton: At the first meeting.

Don Williams: Enterprise would charge you five hundred ninety eight dollars fifty cents (\$598.50) a month, you multiply that out and it's going to come out to about seventy one hundred (\$7,100.00) for the year, you divide that into a year twenty thousand one hundred forty (\$20,140.00) and it lacks about a little over a thousand dollars (\$1,000.00) of having...you know, I'm just saying I'm...and I think we own plenty of cars, as far as I'm concerned you can have the gray one. We already own that one, paid for.

Roger Emmons: But they're planning on using this, the car they want to buy, for more than three (3) years...

Don Williams: I didn't ask for any input.

Roger Emmons: Well, I'll go out to the podium if you...you know, as a citizen I can comment.

Don Williams: Only if I allow it.

Barbie Shelton: And the car will be utilized by both our County Office and the Ohio Township Office. I mean, we're paying...

Don Williams: Oh, I understand it; I'm just saying I'm not sure it's that good of a deal. I'm definitely not convinced of it. You got to do it; I understand that, I'm just not sure this is the way to go?

Barb Pryor: The way to buy our own car is that what you're saying?

Don Williams: Well, first you want to buy a car you've got no quotes for any other manufacture, you haven't checked out any American made products, it's just one (1) bid, from one (1) person no doubt, I can only guess who that person is, so...I'm just saying...

Barb Pryor: We apologize that we don't know the right information...

Don Williams: No, no, no, no...

Barbie Shelton: Right, yeah.

Don Williams: I'm not looking for apology, I'm not trying to be mean spirited here, I'm just saying as a Commissioner, I'm not sure this is a good deal. And if the other two (2) are then you get your car. And I have a motion, do I not?

Marlin Weisheit: I will make a motion to allow them to purchase the car.

Don Williams: And do I have a second?

Rick Reid: You have a second.

Don Williams: I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: And I say nay. So you get your car. I'm not opposed to you having the car, I just don't think you went out for bids, you didn't go out for any quotes and I think you could have got maybe a...car at a cheaper price. I know you can get even smaller Ford's, Escorts and things like that for less than twenty thousand (\$20,000.00).

Barb Pryor: But you do need a 4-wheel drive. I've drove my own 4-wheel drive for the last ten (10) years and it...

Barbie Shelton: You have to go down dirt back roads to get into cabins...

Don Williams: It's a done deal, okay...

Barb Pryor: Just to let you know.

Don Williams: So, thanks, I'm for you gals and I appreciate everything that you do...

Barb Pryor: Thank you.

Don Williams: I'm just not...I have to tell you, Barb, I'm not sure about this one, okay.

Barb Pryor: That is your prerogative and we will pass it on to Angela.

Don Williams: Well, I'm sure she's already aware of that.

Barb Pryor: Okay, thank you.

Barbie Shelton: Thank you.

Marlin Weisheit: Thanks for coming, Ladies.

Don Williams: You can always blame it on the Council I guess, right? Alright, County Assessor, his business is taken care of.

COUNTY AUDITOR

Don Williams: County Auditor, you have anything, Angela, from the Auditor's Office today?

Angie Leslie: No.

COUNTY PURCHASING

2014 Bituminous Contract

Don Williams: County Purchasing, we have a Bituminous Contract, Joe, come on up.

Joe Grassman: Joe Grassman, Purchasing Manager, as you're aware Metzger Construction sent you as a board a letter offering to renew the Bituminous Contract for 2014. I'm just here to get your opinions. I can tell you that subsequent to Indiana Code you have that opportunity if you wish to do so.

Don Williams: Okay, what's the will of the board?

Rick Reid: Is that for continuing the contract?

Don Williams: Continuing the same contract, yeah.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Okay, I have a motion and a second to continue the Bituminous Contract for 2014. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Joe Grassman: Alright, that's all I got.

Marlin Weisheit: Thanks, Joe.

Joe Grassman: Thanks.

COUNTY ATTORNEY

Resolution Concerning Tax Sale Property (Resolution 2013-10)

Don Williams: Next item, County Attorney, you have a thing or two (2) for us?

Adam Long: I do. The first thing that I have is listed as the Resolution Concerning Tax Sale Property. This is in reference to previous discussions at previous meetings with respect to Warrick County Commissioners Resolution 2000-03. If you all recall at the most recent meeting a Ms. Shetler Hewins appeared on behalf of Gregory and Angela DeWeese with respect to elevating their difficulty in connection to their subsurface mineral rights under the surface parcel that they own being separate from their property and being the subject of Ordinance 2000-03 and therefore not able to be merged with the fee so to speak if you own the surface rights and the mineral rights lapse then you're able to merge them back into the fee but this resolution created a pretty substantial stumbling block. They indicated at the previous meeting that they would certify the environmental quality of the property and accept responsibility for correcting the issues. I've received the signed certification from Ms. Shetler Hewins which addresses the matter appropriately in my belief and I prepared a Resolution, which was forwarded to the Board, for consideration and if the Board is inclined to accept the Environmental Certification that we received, I received that in the mail today, if the Board is inclined to accept that we can bring forth this Resolution, I can read it into the record and we can have the Resolution remove the subject parcel of the DeWeeses' from the Resolution 2000-03.

Don Williams: Okay, what's the will of the Board? Do you want him to go ahead and read it into the record and act on it?

Rick Reid: Sure.

Marlin Weisheit: Yes.

Roger Emmons: Resolution 2013-10.

Adam Long: Okay,

**WARRICK COUNTY BOARD OF COMMISSIONERS
RESOLUTION NO. 2013- 10**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA AMENDING RESOLUTION 2000-03**

WHEREAS, the Board of Commissioners of Warrick County (hereinafter "Board"), at their regular meeting of March 13, 2000 passed Warrick County Commissioners Resolution 2000-03, "A Resolution Concerning Tax Sale Property"; and

WHEREAS, Resolution 2000-03 primarily lists mineral right interest parcels as being as "contain[ing] hazardous waste or other environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property"; and

WHEREAS, at the October 28, 2013 regular meeting of the Board, the Board has received an oral petition from property owners, Gregory and Angela DeWeese, whom are affected by Resolution 2000-03, which requested their individual parcel be removed from the list associated with Resolution 2000-03; and

WHEREAS, the Board requires a certification from the surface rights landowner that they will assume sole responsibility for any investigation, site monitoring, containment, clean-up, removal, restoration or other remedial work of any kind or nature is reasonably necessary pursuant to any Environmental Laws, Environmental Requirements or under any other applicable local, state or federal law, regulation, order or agreement, or in connection with the current or future presence, suspected presence, release or suspected release of any hazardous environmental conditions affecting the parcel which is the subject of their request.

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

A certification from property owners Gregory and Angela DeWeese by and through their attorney, Elissa S. Hewins, an executed copy of which is attached hereto, has been received and approved.

Warrick County Commissioner's Resolution 2000-03 is hereby amended by removing reference to parcel 080-3146-9080 effective upon adoption of this Resolution.

Adopted this 12TH day of NOVEMBER, 2013.

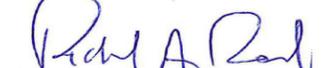
**WARRICK COUNTY
BOARD OF COMMISSIONERS**


Don Williams, President

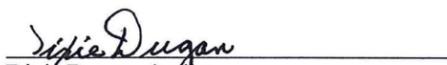
Resolution No. 2013-____
Amending Resolution 2000-03

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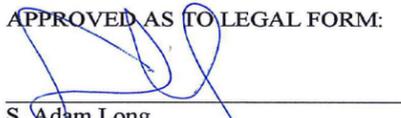

Marlin Weisheit, Vice President


Richard Reid, Commissioner

ATTEST:


Dixie Dugan, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:


S. Adam Long
LONG & MATHIES LAW FIRM, P.C.
County Attorney

Don Williams: Okay, what's the will of the Board?

Rick Reid: I'll make a motion for the Resolution concerning Tax Sale Property Resolution 2013-10 to be approved.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Roger Emmons: Adam, the Certification I don't...do you have that?

Adam Long: I received it in the mail. She sent me an electronic copy last week and I said I'd like to have the original, so we'll attach the original...did you bring a printed off copy?

Roger Emmons: Yeah.

Adam Long: I'll give you this original and then I just need a copy of it.

COUNTY ENGINEER

Scales Lake Dam Project ~ Final Pay Application/Project Closeout

Don Williams: County Engineer, you got an issue. You got one (1) or (2) issues?

Brent Wendholt: I've got two (2) things. First is the Scales Lake Dam Project final pay application and project closeout. Bobby and myself have both reviewed it, it is acceptable. They are asking for sixty four thousand five hundred thirty seven dollars and thirty cents (\$64,537.30). And they have a retainage of fifty five thousand sixty six dollars and eight nine cents (\$55,066.89). And the roadway and everything else...that will be enough to close everything else out so we're in good shape.

Don Williams: Okay, final pay for closing out the Scales Lake Dam Project. I need a motion.

Marlin Weisheit: Make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Brent Wendholt: Okay, and then I have...the next thing is I have two (2) Supplemental Agreements with Bernardin Lochmueller for Lincoln Avenue and Oak Grove Road Projects. And these are for traffic counts. At the intersections of Bell Road and Oak Grove Road and at Old State Road 261 and Lincoln Avenue. The reason for these agreements is that our engineering department does not have enough traffic meters to do a true intersection traffic count.

Don Williams: Okay, what was the cost on that?

Brent Wendholt: For the Lincoln Avenue one it is nineteen thousand three hundred (\$19,300.00) and for the Oak Grove one nineteen thousand one hundred (\$19,100.00).

Don Williams: Okay, what's the will of the board?

Rick Reid: Motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Brent Wendholt: And that's all I got.

COUNTY SHERIFF

Don Williams: Anything from the Sheriff's Department back there?

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Williams: Commissioner Reid, do you have anything for the Board to consider?

Commissioner Reid: No.

Commissioner Williams: Commissioner Weisheit?

Commissioner Weisheit: I do not, Sir.

Commissioner Williams: In closing just reminding everybody next meeting is the 28th at 10:00 am.

Roger Emmons: The 25th.

Commissioner Williams: Did I say the 28th again? I will admit I am ready for Thanksgiving, my favorite holiday. We are adjourned.

DON WILLIAMS, PRESIDENT

MARLIN WEISHEIT, VICE PRESIDENT

RICHARD REID, MEMBER

ATTEST:

L.B. "DIXIE" DUGAN, AUDITOR
WARRICK COUNTY, INDIANA