WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
March 12, 2018
4:00 P.M.

The Warrick County Commissioners met in regular session with Dan Saylor, President; Bob Johnson, Vice President; and Marlin Weisheit, Member. Attorney Todd Glass attended.

Auditor Debbie Stevens and Secretary Kristine Georges attended and recorded the minutes.

President Dan Saylor called the meeting to order at 4:00 PM.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION
REZONING PETITION
PC-R-18-02
ORDINANCE 2018-06

Commissioner Saylor: First item on the agenda is APC. Sherri, what do you got for us?

Sherri Rector: Thank you. The first and only item I have tonight is Rezoning Petition. It is PC-R-18-02, Petition of Cleo Holder. Owner, A. Joseph and Charlene Salpietra to rezone Lot 1 of the amended plat of Gardner Subdivision located on the north side of Ruffian Lane. Zero (0) feet northeast of the intersection formed by Ruffian Lane and Frame Road from R-O, Residential Office to C-1, Neighborhood Commercial. It is in Ohio Township, 8988 Ruffian Lane. It was a unanimous recommendation of approval by the Plan Commission at their February 12, 2018, meeting. Mr. Holder, I believe, is wanting to purchase this from Mr. Salpeitra, or buy it from him and he now is trying to bring it into compliance with our current Zoning Ordinance which requires office buildings now in a C-1 instead of an R-O District.

Commissioner Saylor: Okay. Good evening.

Cleo Holder: Good evening.

Commissioner Saylor: State your name.

Cleo Holder: Cleo Holder.

Commissioner Saylor: Cleo, thank you. Good to see you. Alright.

Sherri Rector: And if passed, it will be County Commissioner Ordinance 2016-06.

Commissioner Johnson: (Inaudible) '18.

Commissioner Saylor: '18?

Sherri Rector: '18. I have the sixes (6's) on there.

Roger Emmons: Is that '06?

Commissioner Saylor: '06?

Sherri Rector: '06.

Commissioner Saylor: Okay. Okay. Bobby, is there any…?

Bobby Howard: (Inaudible) nothing on me.

Commissioner Saylor: Anybody from the audience have any comment on this? No? Okay. I guess, you want to say anything? Need to say anything?

Cleo Holder: Sometimes silence is golden.

Commissioner Saylor: Alright. We have a motion?

Commissioner Johnson: Make a motion to approve PC-R-18-02, which would be Ordinance 2018-06.

Commissioner Saylor: Do I have a second?

Commissioner Weisheit: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Cleo Holder: Thank you.

Commissioner Weisheit: Thank you.

Commissioner Saylor: Thank you, Cleo.

Sherri Rector: Thank you. Thank you.

Commissioner Saylor: Alright.

Commissioner Weisheit: Appreciate it, Sherri.

Commissioner Saylor: Thank you, Sherri.

Sherri Rector: No meeting tonight.

Commissioner Weisheit: Alright.

(Ordinance 2018-06, PC-R-18-02, is located on Page 16 of these Official Minutes)

APPROVAL OF MINUTES
FEBRUARY 26, 2018

Commissioner Saylor: Next on the agenda is Approval of February 26th, Board of Commissioners' Meeting. Do I have a motion?

Commissioner Weisheit: I make a motion to approve.

Commissioner Saylor: Do I have a second? Second.

Commissioner Johnson: Second.

Commissioner Saylor: I'll second that. All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Roger Emmons: Bob's signing away.

Commissioner Saylor: Sorry, Bob.

Commissioner Johnson: Sorry.

ITEMS FOR DISCUSSION
BEP OPENING BID SET 7
DEBBIE BENNETT-STEARSMAN

Commissioner Saylor: Alright. Next item up on the agenda is Debbie Bennett-Stearsman from the Coalition on the Bid Opening for BEP Bid Set 7.

Roger Emmons: Commissioners, I have the three (3) bids that were timely submitted today. One (1) is from Stemaly Excavating, INC, Evansville; Naas, LLC, Haubstadt; and Jerry Aigner Construction, Boonville. And in no particular order I'll crack these open. Debbie put a tab sheet, this tab sheet in front of your places. Okay.

Commissioner Johnson: Who's this first one (1), Roger?

Roger Emmons: This is Stemaly Excavating, INC, itemized proposal of excavation. Alright, their total is eight-eight thousand four hundred and ten dollars and fifty-eight cents ($88,410.58). And I have to read the, the grouping for the addresses. 224 East Sycamore Street, thirteen thousand four hundred and five dollars and eighty-seven cents ($13,405.87); 404 East Chestnut Street, these are in Boonville so far, that's nine thousand one hundred sixty-four dollars and ninety-two cents ($9,164.92); 408 East Chestnut Street, eleven thousand two hundred ninety-three dollars fifty-nine cents ($11,293.59); 510 East Main Street, sixteen thousand ninety dollars and seventy-two cents ($16,090.72); 711 Poplar Street, nine thousand one hundred forty-six dollars ($9,146.00) even; 811 South Third Street, nine thousand five hundred ten dollars and thirty-seven cents ($9,510.37); 1103 North Third Street, ten thousand eight hundred sixty-six dollars and twenty-four cents ($10,866.24). And they cut out the 3233 South Pelzer Road. That one's been eliminated. And the last one (1) is 113 West Oak Street, Tennyson, eight thousand nine hundred thirty-two dollars and eighty-seven cents ($8,932.87).

Commissioner Saylor: Roger, could you read 224 East Sycamore?

Roger Emmons: The very first one (1)?

Commissioner Saylor: Yeah, the very first one (1).

Roger Emmons: Thirteen thousand four hundred five dollars and eighty-seven cents ($13,405.87).

Commissioner Saylor: Thank you, Sir.

Roger Emmons: I think that's probably it. That's all I need to read, right? Debbie? Okay. Next we have Naas, LLC, Haubstadt. Okay. Their total bid is eighty-five thousand six hundred ninety-five dollars ($85,695.00) even. Itemized, they also have their cashier's check, 224 East Sycamore Street, twelve thousand nine hundred ninety-five dollars ($12,995.00). All these are even. No cents. Second property, 404 East Chestnut Street, seven thousand dollars ($7,000.00); 408 East Chestnut Street, eight thousand seven hundred fifty dollars ($8,750.00); 510 East Main Street, sixteen thousand dollars ($16,000.00); 711 Poplar Street, nine thousand nine hundred fifty dollars ($9,950.00); 811 South Third Street, ten thousand two hundred dollars ($10,200.00); 1103 North Third Street, ten thousand five hundred fifty dollars ($10,550.00); and the last one (1) is 113 West Oak Street, Tennyson, ten thousand two hundred fifty dollars ($10,250.00). Last bid is from Jerry Aigner Construction, Boonville. Total, eighty-three thousand two hundred fifty dollars ($83,250.00) even. Itemized by property, 224 East Sycamore Street, twelve thousand five hundred dollars ($12,500.00). These are all even too. No cents on these. 404 East Chestnut Street, seven thousand five hundred dollars ($7,500.00); 408 East Chestnut Street, eight thousand dollars ($8,000.00); 510 East Main Street, fifteen thousand two hundred fifty dollars ($15,250.00); 711 Poplar Street, nine thousand five hundred dollars ($9,500.00); 811 South Third Street, ten thousand dollars ($10,000.00); 1103 North Third Street, ten thousand five hundred dollars ($10,500.00); and the last property, 113 West Oak Street, Tennyson, ten thousand dollars ($10,000.00).

Debbie Bennett-Stearsman: Debbie Bennett-Stearsman with the Coalition. I would make a recommendation that these bids be taken under advisement, (inaudible) to be awarded at the next Commissioner's meeting.

Commissioner Weisheit: I make a motion that we take the bids under advisement and award it at the next Commissioner meeting.

Commissioner Johnson: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Commissioner Weisheit: Thank you, Debbie.

Debbie Bennett-Stearsman: Thank you.

Commissioner Saylor: Thanks, Debbie.

GROW SOUTHWEST INDIANA WORKFORCE UPDATE
JIM HECK AND ANGIE SHEPPARD

Commissioner Saylor: Next item on the agenda is Jim Heck and Angie Sheppard for Grow Southwest Indiana Workforce Update.

Jim Heck: Good afternoon.

Commissioner Saylor: Good afternoon.

Commissioner Johnson: Hello.

Jim Heck: Thanks for having me here. For Marlin, this had been pretty regular. We come about twice a year to try and give you an update from the Workforce Development efforts in this region. And Angie's handing you the one (1) thing that we're required, it's a save the date, we're required twice a year to have Elected Officials meetings, so our next one (1) will be April 27th. That's a Friday 8:00 (AM) Central Time at the Fort Branch Campus of Vincennes University. And we'd like to invite all of you to attend if you're available. And you can just let, let us know. There's an email or a phone number you can call and let us know. Or you can let us know today, if you'd like. But we'd love for you to be able to come. And we give you more of an update on what's going on in our region over that day. So that's one (1) of the things that's required for us. The other thing is just an update. Our fiscal year runs from July 1st though June 30th. So we'd like to give you a snapshot of the first six (6) months. So this paper ends December 30th of last year. So if you look at the very bottom, you'll see that we wanted to give you a snapshot of your labor force. You've got about eight hundred (800) people that are considered unemployed in Warrick County, for an unemployment rate of about two point seven percent (2.7%). That's about as low as I've seen it forever. The people that are not, that are unemployed now generally have some barrier to work, or they would be working. And we're trying to work with that population to make sure that we try to help them overcome that, those barriers. So some of the things we've been doing, one (1) of the, one (1) of the, our biggest one (1) is our Teacher Boot Camp. We, this will be our fourth summer that we're running it. Applications are out right now where we take teachers and put them to work in four (4) of our manufacturers around the region. And ALCOA has been a big sponsor of that every year. And they are again this year. So they'll, they'll go two (2) weeks during this next summer for that. And Warrick County teachers, applications are open right now. So if you know of any teachers that are willing to do that, it's eleven hundred dollar ($1,100.00) stipend to go through that two weeks. And they get continuing ED credits for it. We also have a grant through, that, we work with Toyota, to try to help more people get to work at, into their maintenance program. One (1) resident of Warrick County went through that program, is going through that program right now. And it's a small group that they're taking so one (1) is not as many as we would like from Warrick County, but we have them from all over the region going there. Debbie Shokouhzadeh from ALCOA is your, is on our Board as your representative from Warrick County. She, she is fairly new. They, ALCOA representatives changed hands a few, probably early last, or late last year I think, Marlin. And Deb Shokouhzadeh, she's with Human Resources there, took that position over on our Workforce Board. And then if you look at the back of this you'll see the rest of our Board is made up of a majority of business people. But then we are required to have representatives for Labor, Community Based Organizations, Youth Serving Organizations, Education/Training, Government, and Economic Development, and you see those. The represent the entire region and not from one (1) specific County.

Commissioner Saylor: Good deal. Any questions? Anybody have any questions?

Commissioner Johnson: No, Sir.

Commissioner Saylor: Alright.

Commissioner Weisheit: I just want to thank Jim and Angie for your hard work and continuing to work to keep people employed and all the training you do. It's just a great service and you guys are the best at it.

Jim Heck: Thank you.

Commissioner Weisheit: So thanks a lot. And I will be there at the April 27th meeting. So you can put me down.

Jim Heck: Great.

Commissioner Johnson: Thank you.

Commissioner Weisheit: I always enjoy those.

Jim Heck: Thank you.

Commissioner Saylor: Thank you.

Jim Heck: Thank you, I appreciate it.

Commissioner Saylor: Thank you.

DEPARTMENTAL REPORTS
COUNTY ADMINISTRATOR
RANDY MERTA – APPEAL OF MEDBEN CLAIM DECISION

Commissioner Saylor: Alright, next item on the agenda is Departmental Reports, County Administrator.

Roger Emmons: Thank you, Mr. President. First item I have, the Appeal of MedBen Claims Decision. That was tabled from your February 26th meeting. Our broker was able to get this extended from tomorrow to March 30th. There's no resolution on this yet, but they're trying to do, without having to bring to the Board for a decision. So, I recommend you table it to your March 26th meeting.

Commissioner Saylor: Do I have a motion to table?

Commissioner Weisheit: So moved?

Commissioner Johnson: Second.

Commissioner Saylor: Second. All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Roger Emmons: Thank you.

EXECUTIVE MINUTES
FEBRUARY 21, 2018
CORRECTION TO MINUTES

Roger Emmons: Next I have the corrected Minutes Memo from the February 21, 2018 Executive Session. There were about three (3) corrections that, most important of which was to include APC President Guy Gentry. So I would request you approve by motion.

Commissioner Saylor: Do I have a motion for the corrected Minutes of the Executive Session on 02-21-18.

Commissioner Johnson: So moved.

Commissioner Weisheit: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Roger Emmons: Thank you.

(Executive Session Minutes, 02-21-2018, is located on Page 16 of these Official Minutes)

APPOINTMENT OF NEW WEIGHTS AND MEASURES INSPECTOR RYAN REDMAN

Roger Emmons: Third is the Appointment of your new Weights and Measures Inspector. And you mentioned at a previous meeting that Ryan Redman, and I'd recommend you approve his name by motion. And then as far as effective date, the reason Susie suggested March 5th, last week, is because he's a salaried employee. That's the beginning of the full pay period. Todd recommends we wait to get his certification. So it's up to the Board.

Commissioner Saylor: How, does, do we have an idea, any idea how long he's going to take to get his certification?

Roger Emmons: He, he's taking the test this Wednesday.

Commissioner Johnson: Well, when's the next pay period start?

Roger Emmons: Well, uh, the what, three (3) weeks from last Monday? 26th? Is that right?

Heather Soberg: This coming Monday.

Roger Emmons: Oh, this coming Monday.

Heather Soberg: A week from today.

Roger Emmons: Okay. The 19th.

Commissioner Weisheit: Has he already been working and training though?

Commissioner Johnson: He did train.

Roger Emmons: He, he, he did work with John Taylor one (1) day and he, his email said the day was less than two (2) hours.

Commissioner Weisheit: Oh, okay.

Roger Emmons: So, I don't even think he's even worried about any compensation for that. He's not said one (1) way or another.

Commissioner Saylor: So, do we want to make his effective date 3-19-(2018) then?

Roger Emmons: You know, I can see Todd's reasoning on waiting 'til we make sure he's got the certifications, that he's passed the test.

Todd Glass: Unless there's other duties that he's providing for the County, but…

Commissioner Johnson: No, but I don't see, you know, I know what this test entails and I know Ryan very well. I don't see that this is going to be an issue for Ryan whatsoever.

Roger Emmons: Oh, I agree.

Commissioner Johnson: On passing this test.

Commissioner Saylor: So, do we want to make it effective on him passing the test and showing those credentials?

Commissioner Johnson: Yes.

Roger Emmons: I think that's the best way to do it.

Commissioner Saylor: Do I have a motion?

Commissioner Johnson: Make a motion to approve Ryan Redman as our new Inspector, effective date to be as soon as he passes the necessary testing and qualifications.

Commissioner Saylor: Do I have a second?

Commissioner Weisheit: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Roger Emmons: Thank you.

DECLARE ELECTION ITEMS AS SURPLUS

Roger Emmons: My fourth item is to Declare Election Items as Surplus. And Cathy Oser is the Election Office Administrator. She emailed us a list of the items on March 7th. There are fifty-eight (58) small ballot boxes. Thirteen

unnamed number of four (4) ring binders size eleven (11) by fourteen (14) with page protectors, page protectors. Ask that you declare those surplus.

Commissioner Saylor: I have a motion to declare the items surplus?

Commissioner Johnson: Motion.

Commissioner Weisheit: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Motion carries three, zero (3-0).

Roger Emmons: Thank you.

REQUEST FOR CASTLE HIGH SCHOOL TO CLOSE CASEY ROAD BETWEEN OAK GROVE ROAD AND VANN ROAD DURING COMMENCEMENT EXERCISES SATURDAY, MAY 19, 2018

Roger Emmons: We have a request from Castle High School to close Casey Road between Oak Grove Road and Vann during their commencement exercises on Saturday, May 19th, 10:00 AM to 1:00 PM. Recommend you approve by motion.

Commissioner Saylor: Do I have a motion?

Commissioner Weisheit: So moved.

Commissioner Saylor: Second?

Commissioner Johnson: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: (Inaudible).

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Roger Emmons: Thank you.

REQUEST FOR FMLA LEAVE

Roger Emmons: We have a request for FMLA Leave. All paperwork has been submitted and proper signatures on those. I'd recommend your approval.

Commissioner Weisheit: So moved.

Commissioner Johnson: Make a motion. Second.

Commissioner Saylor: I have a first; I have a second. All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

TRUGREEN PEDDLER LICENSE

Roger Emmons: If you bear with me, I have two (2) more items. First is the Trugreen application for their 2018 Peddler's License/Solicitor License and I emailed you a copy of the review form on that today. They have submitted all required items including the license fee of, a check for a thousand dollars ($1,000.00) to the Warrick County Treasurer.

Commissioner Saylor: Do I have a motion to approve the Trugreen Solicitation License?

Commissioner Johnson: Make a motion.

Commissioner Weisheit: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

(Trugreen Peddler/Solicitor License is located on Pages 16 through 17 of these Official Minutes)

WARRICK HISTORIC JAIL PROJECT
APPROVAL FOR COMMISSIONER PRESIDENT SIGNATURES

Roger Emmons: Lastly, I'd ask that you approve by motion, Dan's signatures on documents related to the Warrick Historic Jail Project. Administrative Close-Out Form 3, which is Certification of Grantee. Close-Out Form 2, which is Financial Settlement/Expenditure Report, which won't go, be submitted 'til after all that's done. And lastly, letters appointing Carol Hagedorn as the Environmental Review Officer for the project.

Commissioner Johnson: I would make that motion.

Commissioner Weisheit: I'll second it.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Weisheit: Motion carries three, zero (3-0).

Roger Emmons: Thank you, Mr. President. That's all I have.

Commissioner Saylor: Thank you, Roger.

COUNTY ATTORNEY
INTERLOCAL AGREEMENT BETWEEN WARRICK COUNTY AND THE CITY OF BOONVILLE – GREENLIFE DEVELOPMENT

Commissioner Saylor: County Attorney, Mr. Glass.

Todd Glass: Thank you, Mr. President. The first item on our agenda under my business is the Interlocal Agreement between Warrick County and the City of Boonville in regards to Greenlife Development, LLC, tabled from your last meeting. I have in front of you the current version of the agreement that I received word from Counsel from the City of Boonville today that this is in proper form and is acceptable to the City of Boonville. The changes from the last version, Mr. President, is actually to the exhibits to the Interlocal. Specifically to the amendment to the agreement to construct water and sewer infrastructure improvements, that's an agreement actually between the City of Boonville and Greenlife Development. We have inserted the payment schedule in that agreement. And as a result of that, we've deleted Exhibit D. So we've taken Exhibit D, the information on Exhibit D, which is the last page to the agreement in front of you. We've just plucked that off of that Exhibit D, and inserted it into the amendment to the sewer agreement. This has not been approved by Greenlife Development. I haven't heard back from their counsel, but this is good for the City of Boonville's purposes. Otherwise, the Interlocal Agreement is in proper form and the City of Boonville's already approved our other edits that I've made simplifying the mediation process called for. And this agreement as you'll remember, is between Warrick County and the City of Boonville and in essence, we obtained the agreement by the City of Boonville, not to annex subject project property for a fifteen (15) year term. But it is ready for your vote of approval and entering into it this afternoon.

Commissioner Saylor: Okay. Do I have a motion to approve the Interlocal Agreement between Warrick County and the City of Boonville in reference to the Greenlife Development, LLC?

Commissioner Weisheit: I'll make a motion.

Commissioner Johnson: Second.

Commissioner Saylor: Have a second. Any discussion? Gentlemen? No? All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Todd Glass: Thank you, Mr. President.

(City of Boonville, Warrick County Interlocal Agreement is located on Pages 22 through 25 of these Official Minutes)

WARRICK HISTORIC JAIL STABILIZATION AND RESTORATION PROJECT

Todd Glass: Then I have the Warrick Historic Jail Exterior Stabilization and Restoration Project. We've been presented a standard form agreement between the County and Hafer, PSC as Architect. There are some issues I have with this agreement. Specif...and I think Carol Hagedorn agrees with me on this, it calls for certain services with regards to that project for a compensation of thirty-eight thousand six hundred ninety dollars ($38,690.00) even. But in its description of services, the architectural work for the project, it only includes two (2) site visits and Carol was concerned about that. Seems like a visit from Evansville to Boonville and more than two (2) visits might actually be necessary during the project.

Roger Emmons: They did state in one (1) section that they would make as many visits on the construction as needed. But it was under additional charges. But those have been lined out, that section, at least in my copy.

Todd Glass: Really? This is 4.2.1, the Architect has included in its basic services two (2) site visits for the duration of the project during construction. But, be that as it may, as Roger mentions, maybe we don't have an exact understanding of what this agreement is. I'd recommend to the Commissioners, and I've not been told of a time crunch on this for approval today. So I would just recommend to the Commissioners you allow me to work out some of these edits and improvements to the contract and perhaps we can have it ready for the Commissioners by the next meeting.

Roger Emmons: That'd be fine.

Commissioner Weisheit: I'll make a motion to table 'til next meeting.

Commissioner Johnson: I'll second that.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Todd Glass: Thank you. I think that will be in the best interest of the County. They, they were adding a five percent (5%) up-charge for reimbursable expenses for third parties and things like that. So I think we can make some improvements to that Mr. President and we'll try to do that by next week.

APPROVING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF WARRICK COUNTY, INDIANA
RESOLUTION 2018-09

Todd Glass: I'll need a Resolution number.

Kristine Georges: Yes, Sir. It's going to be Resolution 2018-09.

Todd Glass: And I believe I have in front of you the proposed Resolution 2018-09, which is a Resolution of the Board of Commissioners of Warrick County, Indiana, Approving the Issuance of the General Obligation Bonds of the County. I can tell you, Mr. President, that the Council's been hard at work and burning the midnight oil the past few weeks. They did approve on Thursday, their Resolution 2018-03 making a Preliminary Determination to Issue Bonds. They also approved the Warrick County Council Ordinance 2018-02, Authorizing the Issuance of the General Obligation Bonds, and finally the Council approved their Ordinance 2018-03, Appropriating the Proceeds of the Warrick County General Obligation Bonds, Series 2018. If I may, Mr. President, allow me, I think it needs to be read. It's short.

Attorney Glass read the following into the record:

RESOLUTION NO. 2018-09

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA APPROVING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY

WHEREAS, on March 1, 2018, the Warrick County Council (the "Council"), as fiscal body of Warrick County, Indiana (the "County") made a preliminary determination to issue general obligation bonds of the County in an original aggregate principal amount not to exceed $7,400,000 (the "Bonds"); and

WHEREAS, on March 8, 2018, the Council adopted an ordinance authorizing the issuance of the Bonds, for the purpose of procuring funds to pay for the costs of all or any portion of (a) projects and improvements at certain County-owned facilities including without limitation (i) renovations, improvements and upgrades to the existing County Courthouse and Judicial Center, as more particularly identified and described in the report from Energy Systems Group, Inc., dated February 8, 2018, including, but not limited to, certain structural, electrical, mechanical, plumbing, HVAC and technology equipping and improvement projects; (ii) renovations, improvements and upgrades to the County's existing historic jail; (iii) acquisition, improvement and equipping projects for the County Sheriff Department, including, without limitation, certain technology upgrades to the computer system and E911 system; and (iv) any other miscellaneous renovations, improvements or equipping projects related to the foregoing items (collectively, the "Project"), (b) reimbursement of preliminary expenses related thereto and all incidental expenses incurred in connection therewith, if any, (c) capitalized interest on the Bonds, if any and (d) the costs of selling and issuing the Bonds; and

WHEREAS, the Board of Commissioners of the County desires to approve the issuance of the Bonds and the financing of the Project costs, together with all incidental costs and expenses incurred in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, that the issuance of the Bonds and the financing of the Project costs, together with all incidental costs and expenses incurred in connection therewith, are hereby approved; and that each member of the Board is authorized to take such actions as may be necessary to issue the Bonds and complete the Project.

RESOLUTION NO. 2018-09 Page 2

DULY PASSED and ADOPTED on this 12th day of March, 2018, by the Board of Commissioners of Warrick County, Indiana, by a vote of 3 in favor, 0 opposed, and 0 abstaining.

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA

Dan Saylor, President

Robert H. Johnson, Jr., Vice President

Marlin Weisheit, Member

ATTEST:

Deborah K. Stevens, Auditor
Warrick County, Indiana

DMS 11630343v1

2

Todd Glass: Mr. President, with your motion and approval of Resolution 2018-09, that will take care of a task that this Board needs to address at the moment. Then we have some other housekeeping matters to address over the next few weeks. We have the Guaranteed Energy Savings Contract that Nick and his group has presented to us to review and tweak and get that in final form. The bond counsel has recommended that you not approve that until April 9th after the bonds have actually been approved issued. But we can get that done between now and then and see what else needs to be done in order to get the project started. But that resolution is before you and ready to be approved.

Commissioner Saylor: Alright. Do I have, is there any comment from the public about this Resolution? Do I have a motion to approve the Resolution 2018-09?

Commissioner Johnson: Motion.

Commissioner Weisheit: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0). I'd like to make a comment to that, our Council has been working hard on it. I appreciate Mr. Meyer and his leadership on that and it's, I think the Council's in agreement with the Commissioners. This is a good project, and we're moving forward on it. Thank you, Mr. President.

Commissioner Weisheit: I'd like to thank President Meyer as well since he's here today that they have done a good job putting this together and keeping on track. I appreciate it.

Commissioner Johnson: I agree. Thank you.

Gary Meyer: Thank you.

Todd Glass: It has been a condensed time frame so everybody's been working very well together. It's been a pleasure to work with everybody on it.

Commissioner Saylor: For the record, Mr. Meyer's put a lot of pressure on the Commissioners.

Gary Meyer: That's where it should be.

CONTRACT FOR CENTRALIZED COUNTY SERVER AND END USER LICENSE AGREEMENT NUTANIX

Todd Glass: And then, Mr. President, we have a contract for a Centralized County Server and End User License Agreement with Nutanix. Doug Duncan…

Roger Emmons: I would comment that Doug sends his apologies, he had a previously scheduled appointment. That's why he couldn't make today's meeting.

server platform for the entire County. The equipment, the user license, looks like there's significant training and service that is also added to this contract. Total cost is sixty-six thousand six-forty-one-eleven ($66,641.11). The End User Agreement is all in my fingers and everything is appropriate if you wish to approve it.

Roger Emmons: This is in conjunction with the Cybersecurity Grant.

Commissioner Saylor: Oh, okay. I thought this was...

Commissioner Johnson: I don't understand, but this price is double, triple since the last I heard about it. And I'm not so sure that from what I heard today that I'm not sure it will do everything and encompass everything that we originally thought in the beginning. Have you heard anything, any of that, Roger?

Roger Emmons: No, I haven't, Bob.

Commissioner Johnson: I mean we can approve this contract, but before we buy anything, I'd like to do a little bit more digging.

Todd Glass: I'd recommend not approving it but make sure we have it the way the Commissioners want it.

Commissioner Saylor: Are we in a time frame with this, Roger? Or?

Roger Emmons: Well, I think there is a certain time limit to get these through to get these in, for, because FEMA, the Department of Homeland Security's got to approve these items. I think they've previously, cause Doug's running it by that department as well as Dave Woolen in EMA. But I hadn't heard that they weren't going to provide what we needed.

Commissioner Johnson: Well, it's not compatible with one (1) specific item that I heard. So I, I, I didn't get the opportunity to get into that. But then the price has went up considerably since we originally started talking about this particular piece of equipment. So you know, I don't, I, I'm not going to vote on it. I don't want to vote on it.

Roger Emmons: I think the total of the grant was a hundred and fifty thousand ($150,000.00)?

Commissioner Johnson: Correct. And this particular item, I forget how much exactly the, the grant was for, but I believe it was somewhere, fifty some thousand ($50,000.00) for this particular piece of equipment.

Roger Emmons: I mean it's your option to table it 'til March 26th.

Commissioner Saylor: And you know, I mean, if he's, he's kind of more in tuned of this, so if, if he, I, I would...

Commissioner Johnson: I don't feel comfortable with it right now.

Commissioner Weisheit: I make a motion to table. Let's, I don't think two (2) weeks is gonna hurt us on the time frame. I know that grant, we've got to get everything in place in a set time. But certainly two (2) weeks is not going to matter.

Commissioner Johnson: I don't think there's that big of a time crunch. I know that there is a time limit we need to get things started and get things in place.

Commissioner Weisheit: Spending this kind of money you know, it's through a grant. We need to make sure all the questions are answered and we're getting what we're paying for.

Commissioner Saylor: I second that motion. All in favor?

Commissioner Johnson: Aye.

Commissioner Weisheit: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0) to table.

Roger Emmons: Very good.

Commissioner Weisheit: Roger, if there is a time on our time limit, I guess we could call a special session. But we'd have to post it and all that.

Roger Emmons: (Inaudible) special notice.

Commissioner Weisheit: But if there is something where we're going to lose out on the grant.

Roger Emmons: Sure. Sure.

Commissioner Weisheit: I'd be in favor of that.

Commissioner Johnson: Yeah, me too.

Commissioner Saylor: Okay. And if there is, well that's something we'll have to do.

Roger Emmons: Sure.

Commissioner Saylor: Okay.

Roger Emmons: Thank you.

Todd Glass: Thank you, Mr. President.

DEED FOR THE JUDICIAL CENTER UPDATE

Todd Glass: I would mention to the Board that the deeds from the Warrick County Judicial Center Building Corporation to the County have been recorded.

Commissioner Weisheit: Good.

Todd Glass: Yeah.

Commissioner Weisheit: That's (inaudible).

UPDATE ON INTERLOCAL AGREEMENT WITH BOONVILLE

Todd Glass: So, and I've been, been sharpening the pencil a little bit with Commissioner Weisheit on the Interlocal Agreement with Boonville. So I'm putting that together and I'll be sending that out to you here in the next couple of days.

UPDATE ON INNKEEPER TAX CERTIFICATION

Todd Glass: I can report to you that the updates to the Innkeeper's Tax Ordinance which was passed by the Council has be certified. And I thank the Auditor for that. So they're moving on to the next steps for that.

UPDATE OF THE WARRICK COUNTY CODE OF ORDINANCES

Todd Glass: And I have handed out to you the draft Ordinance for Warrick County Code amendments for nuisances for you to decide if you want to set that for an agenda item at your next meeting or what you wish to do with that.

Commissioner Saylor: I'd like to, Roger, can you put that on the next...

Roger Emmons: Sure, sure.

Commissioner Saylor: Our next meeting's agenda? Give us a chance to look over, look over.

Commissioner Weisheit: It's been a process but we're getting close on that as well, so that'll be good.

Todd Glass: That's all, Mr. President.

Commissioner Saylor: Thank you, Counselor.

Commissioner Weisheit: Yeah, good job.

COUNTY AUDITOR
CERTIFIED CLAIMS

Commissioner Saylor: Next item on the agenda is our County Auditor.

Auditor Stevens: Debbie Stevens, Warrick County Auditor. I have a total of Certified Claims of one million three hundred fifty-five thousand six hundred ninety-nine dollars and fifty-six cents ($1,355,699.56).

Commissioner Saylor: Do I have a motion to pay the Claims?

Commissioner Weisheit: So moved.

Commissioner Johnson: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Auditor Stevens: Thank you.

Commissioner Saylor: That it?

Auditor Stevens: That's it.

Commissioner Saylor: Okay, thank you, Debbie.

(Claims are located on Pages 17 through 19 of these Official Minutes)

COUNTY ENGINEER/HIGHWAY
PRESENTATION OF PHASE I BRIDGE INSPECTION REPORTS

Bobby Howard: Thank you. The first item I have is a presentation of the Phase 1 Bridge Inspection Reports. And we do have Mr. Scott Minnich here with United Consulting and he has the reports, summary of those reports to give to you.

Scott Minnich: Good afternoon. My name is Scott Minnich with United Consulting here to talk about the Warrick County Bridge Inspections and the current status of County bridges. Just as an update or for people who don't know, bridges are required to be inspected at least every twenty-four (24) months. It's a Federal requirement. And because of that the Federal Government is eighty percent (80%) of the Bridge Inspection Program. This is the final report that we have presented or finished up. The actual books have been delivered out to the Highway Department to Bobby for him to distribute. I've given you just a one (1) page summary to try to keep things a little shorter. As I said, twenty-four (24) months is the current requirement for bridge inspections. Just about a month ago, the Federal Government approved Indiana to move some bridges to a forty-eight (48) month inspection cycle. It's an option. It's only eligible to some of the best bridges you would have. The State has done a preliminary investigation into all of the Counties. Warrick County right now has seventeen (17) bridges that are eligible for that forty-eight (48) month inspection cycle. It's something that they ask that they investigate in Phase 1 of the Bridge Inspection Contracts. Since we are just finishing Phase 1 right now. These bridges would be eligible to go through that process with the next contract down the road a little bit. So that's something to keep in mind to save a few dollars on the bridges, if you would like. So this summary of the bridges, you have a hundred and twelve (112) bridges in the County. We prepared the books similar to what they've been prepared before where we've inspected every bridge. There is a detailed report for every bridge as well as some summary tables up front. Some of the summary tables include recommended maintenance items on the sheet in front of you. You'll see that says page ten (10). That refers to the book if you'd like to look in more detail later. You can find those items there. Every bridge has recommended maintenance. Obviously some maintenance is more critical than other maintenance. So we've also prepared a summary letter that we gave to Bobby a couple months back that listed the more critical maintenance items. The more bang for your buck, so to speak. We do have fourteen (14) bridges posted for load within the County. Those are bridges that cannot carry all the legal loads. So they're posted for a weight that they are safe to allow that weight across. We have four (4) fracture critical bridges. These are your truss bridges that are a little more, a little more problematic. But you do have a problem with them in that you could get more major collapse if there were a problem. Because of that they go through a more detailed hands on inspection than the rest of them. They get a detailed, more detailed report as well. You don't have any special feature bridges. This would be bridges that have kind of other unique details. So we don't have any of those. And we don't have any scour critical bridges. I know with the flooding right now, that becomes of concern. No scour critical bridges doesn't mean you couldn't have a scour issue. It just means that you don't have any bridges that are highly susceptible to a scour issue.

Roger Emmons: Would you mind repeating your name again?

Scott Minnich: Sure. My name is Scott Minnich.

Roger Emmons: Minnich?

Scott Minnich: Yes.

Roger Emmons: How do you spell that?

Scott Minnich: Yes, it's M-i-n-n-i-c-h.

Roger Emmons: Okay, Scott, thank you.

Scott Minnich: No problem. To the bottom of that first page, we've listed your top five (5) replacements. That's out of thirteen (13) bridges on your replacement list total. And the top five (5) bridges recommended for rehabilitation. That's out of seven (7). The important thing here to note is that you've got about twenty (20) bridges recommended for some sort of major rehabilitation or replacement. Typically that's thought to be over the next ten (10) years. So we're looking at about two (2) bridges a year to continue to replace these and work on these bridges.

Roger Emmons: Scott, I know that Bridge 273, the Boner Bridge, that's, that's a special type bridge, isn't it?

Scott Minnich: It sure is.

Roger Emmons: Yeah, so...

Scott Minnich: It sure is. And that's one (1) that while it's recommended for replacement, currently it's not necessarily recommended to tear it down. More of a bypass type situation. Certainly one (1) that could be up for a lot of discussion from a strictly engineering standpoint. The better option is to bypass it to get a higher load capacity and to take the stress off of that bridge being as unique as it is. But it's certainly something that could entertain a lot of discussion on, on what's the best alternative for that structure.

Roger Emmons: That's (inaudible) number bridge bypass and leave that, the current bridge in place, would that be eligible for Federal Aid funding?

Scott Minnich: Absolutely.

Roger Emmons: Thank you.

Scott Minnich: Switching to the back side of the sheet. We like to do a summary of comparing Warrick County bridges to the rest of the State's County bridges just to kind of see where you fall. Top left, number of bridges, Warrick County's got a hundred and twelve (112). The typical Indiana County's got a hundred and forty-three (143). So you've got a few less. That's a good thing, because bridges run about ten (10) times as expensive to build as a road does. So less bridges equals less cost for you. Moving across the top, the average ADT, that's the Average Daily Traffic, how many vehicles you have crossing your typical bridge every day. Warrick County, a little over five hundred (500) vehicles a day on average. The typical County throughout Indiana, about fifteen hundred (1,500). But that's also including bridges in your major metropolitan areas: Evansville, Indianapolis, Ft. Wayne. So those numbers get skewed a little higher. But less traffic typically means less wear and tear on your bridges. Moving down to the middle, average age, Warrick County's very similar to the typical County. About forty (40), forty-five (45) years old for your average bridge. It's about right in the middle of the life expectancy of a bridge which is typically thought to be about seventy-five

(75) years. So that's a good average. You're, you're right where you need to be. Posted bridges, Warrick County's very similar to the rest of the State as well at around twelve percent (12%) of the bridges posted. As we move down, bridges greater than fifty (50) years old, this is kind of an indicator of bridges getting near the end of their life if they're over fifty (50) years. We're approaching that seventy-five (75) year expected life. Warrick County's about thirteen percent (13%) of your bridges in that range. Typical Indiana County has closer to thirty percent (30%). So things look good from the age of the structures. And the last thing on there is sufficiency rating less than fifty (50). Sufficiency rating is a federally calculated number. It's based on all of the data we collect with the Bridge Inspection Program. It's kind of a rating from a zero (0) to a hundred (100) scale as to what condition the bridge is in. Zero (0), the bridge is collapsed and a hundred (100) is brand new, perfect, not a thing wrong with it. Fifty (50) is usually where we start looking at replacement for that structure. Warrick County and the State's average county bridge both around eight (8%), nine percent (9%). So we still got reasonable amount of bridges that are ready or in need of replacement. But in general the Warrick County's bridges are in good shape. They are safe for the loads they're posted, are safe for the traveling public. Certainly encourage you to continue working on them, replacing them with a seventy-five (75) year life. And a hundred and twelve (112) bridges, you're looking, typically looking at one and a half (1 ½), two (2) bridges a year for, for needing work. So that's all I have, the short version of the report. I'd be happy to answer any questions you might have.

Commissioner Saylor: I have a question, Scott. So in, in, on the front side, you say four (4) fracture critical bridges. So that doesn't require a weight load change or anything like that?

Scott Minnich: No, no. Those are bridges that have typically two (2) main load carrying members. So in the case of your trusses, you have a truss on either side of the bridge. And if one (1) of those truss members were to fail, you'd have the potential for a collapse of the structure.

Commissioner Saylor: So that doesn't mean they're frac...something's fractured in there like a beam?

Scott Minnich: It does not. It means...

Bobby Howard: It's a special inspection.

Commissioner Saylor: Okay.

Scott Minnich: It means that if there were a fracture, it would create a critical situation. If you have a beam bridge that has seven (7) or eight (8) beams across and one (1) beam fails, the loads likely to get redistributed to the other six (6) or so beams that are left. But on a two (2), two (2) member structure, you're looking at a full collapse. So those bridges the Federal Government requires we do an in-depth arm's length inspection. We have to get within arm's length of the members we're looking for those, those cracks and, and other issues up close to make sure those are safe.

Commissioner Saylor: Okay. Anybody else have any questions?

Commissioner Weisheit: No, good job on your report as always.

Commissioner Saylor: Thank you very much, Scott.

Scott Minnich: Appreciate it, thanks.

Bobby Howard: I'll have the full book to your office tomorrow.

Commissioner Saylor: Okay. Alright. Thank you. Thank you, Jack.

Unknown: (Inaudible).

REQUEST FROM NEWBURGH SEWER TO WORK IN RIGHT OF WAY CYPRESS COURT

Bobby Howard: The next item I have is the, a request from Newburgh Sewer on a work in right-of-way permit. They are going to file a permit soon. They have a sewer line to replace at Cypress Court in Newburgh. And they want to get a variance from our flowable backfill requirement to be allowed to backfill with an aggregate material in the trench. And then they propose to resurface the entire street.

Commissioner Weisheit: Bobby, I know we talked about this earlier. I would be okay with that as long as they do the backfill with what you want them to so it does compact and compact it properly so it don't settle.

Bobby Howard: Yeah, and part of the work plan we can put some kind of requirement of, of a bond be on file for a certain period of time.

Commissioner Saylor: I'm okay with it as long as a year or two (2) down the road it settles. We've got some recourse. I mean, what's the time line on that, on that bond?

Bobby Howard: Normally, I would do about a year.

Commissioner Saylor: Well, then it'd probably settle (inaudible). Yeah, as long as we have something where, I like that.

Commissioner Weisheit: I know out at Stonehaven, you know, where they put all the sewers in. We done the streets. It all held up pretty good except for maybe one (1) block section there in the back corner. You know we've got some pretty major dips there. So, I don't know if they got in a hurry there or not.

Bobby Howard: Boonville does now.

Bobby Howard: No. And like I said, that was a different project, different, different inspector and everything on that job. So we'll look at this, if we put our...

Commissioner Weisheit: Yeah. So do you need a motion today or...?

Bobby Howard: I think they'd just like a consensus to know what they'll be allowed to do. If they could do it.

Commissioner Weisheit: My consensus would be fine as long as you approve of the backfill. Or you know, whatever there.

Bobby Howard: Put a financial (inaudible).

Commissioner Weisheit: Yeah.

Commissioner Johnson: And properly inspected.

Commissioner Saylor: I'm good with that.

Commissioner Johnson: Second.

Commissioner Weisheit: So, just a consensus of us three (3).

Bobby Howard: Okay, we're all good.

Commissioner Weisheit: Make, make, make our Engineer happy. Can he be happy?

Commissioner Saylor: (Inaudible)?

Commissioner Weisheit: Should be.

LINCOLN AVENUE PHASE III
TIME EXTENSION
CHANGE ORDER 13

Bobby Howard: The last item I have is on Lincoln Avenue, Phase III. It's a time extension Change Order, Change Order 13. This was due to AT&T delay time extension. They went over the amount of days that they had in the contract. So, it, it automatically delays the amount of time due to the job because the contractor was not able to proceed with some storm water, storm sewer installations. So, it's a twenty-one (21) day delay, which would put the intermediate completion date, becomes August 22, 2018. And then because INDOT's spec, there's no work days after November 30th. It pushes to, they add the days to after April 1st. So, the new compla...the final completion date is April 7, 2019. And that's really also to make sure that we can get the, the grass to grow. So I'd recommend approval of this.

Commissioner Saylor: Okay, do I have a motion?

Commissioner Johnson: Motion.

Commissioner Weisheit: Second.

Commissioner Saylor: Second. Any questions? Any comments? All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Bobby Howard: That's all I have, Mr. President.

Commissioner Saylor: Thank you, Bobby.

(Change Order 13, Time Extension, is located on Pages 19 through 21 of these Official Minutes)

COUNTY PURCHASING

Commissioner Saylor: Next item on the agenda is County Purchasing. Joe?

Joe Grassman: I don't have anything.

Commissioner Saylor: You don't have anything? Okay.

COUNTY SHERIFF

Commissioner Saylor: Alright. County Sheriff? You're good?

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Saylor: Um...

Commissioner Johnson: I have nothing.

Commissioner Saylor: Commissioner Weisheit?

Commissioner Weisheit: Nothing.

DISCUSSION OF TREASURER'S OFFICE AREA NOT UP TO CODE

Commissioner Saylor: Commissioner Johnson doesn't, and let me see here. Do we need to…?

Commissioner Weisheit: He's got something (inaudible).

Commissioner Saylor: (Inaudible). Do we need to make a motion on that? On the Treasurer's door?

Commissioner Weisheit: Oh, yeah, why don't you bring that up?

Commissioner Johnson: You can.

Commissioner Saylor: On, in the Treasurer's Office there's a small opening in a storage room that is not up to code. We had that inspected by our Building Inspector and he deemed it not, not to be used as an exit in or out of the building. So we are gonna, do I have a motion to permanently close that until we get quotes or something on re-doing, on re-doing that in a up to code doorway and stairs.

Commissioner Weisheit: I'd make that a motion.

Commissioner Saylor: Do I have a second?

Commissioner Johnson: I'll second.

Commissioner Saylor: Second. All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0). And I think that's it then. I need another motion.

Commissioner Johnson: I make a motion to adjourn.

Commissioner Weisheit: Second.

Commissioner Saylor: All in favor say, aye.

Commissioner Weisheit: Aye.

Commissioner Johnson: Aye.

Commissioner Saylor: Meeting Adjourned. (Motion carried three, zero 3-0).

ADJOURNMENT: Meeting adjourned at 4:50 P.M.

WARRICK COUNTY BOARD OF COMMISSIONERS

Dan Saylor

DAN SAYLOR, PRESIDENT

Robert H. Johnson

ROBERT JOHNSON, JR., VICE PRESIDENT

Marlin Weisheit

MARLIN WEISHEIT, MEMBER

ATTEST: Deborah K. Stevens

DEBORAH K. STEVENS, AUDITOR
WARRICK COUNTY, INDIANA

WARRICK COUNTY COMMISSIONERS ORDINANCE # CC-2018-06

PLAN COMMISSION DOCKET # PC-R-18-02

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN REAL ESTATE IN WARRICK COUNTY, INDIANA

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

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the R-0, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

A part of the West Half of the Northwest Quarter of Section 27, Township 6 South, Range 9 West, in Warrick County, Indiana and being Lot 1 of the Amended Plat of Gardner Subdivision as shown in Plat File 1, Page 401 in the Office of the Recorder of Warrick County, Indiana.

Which real estate is now zoned and classified as part of the R-0 District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall and the same is hereby rezoned and reclassified from said R-0 District to said C-1 District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

ATTEST:
County Auditor

3/12/18
Date Approved

President
Member
Member
BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA

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

Signature

Printed Name

This document prepared by Douglas K Bacon of Morley.

Warrick County Commissioners
107 W. Locust Street, Suite 301
Boonville, IN 47601
Phone: (812) 897-6120; Fax: (812) 897-6189
info@warrickcounty.gov

Dan Saylor *Rob Johnson* *Marlin Weisheit*

CORRECTED MINUTES MEMORANDUM – EXECUTIVE SESSION
February 21, 2018 at 12:00 p.m.

The Warrick County Board of Commissioners met in Executive Session on Wednesday, February 21, 2018, which was held as allowed under Indiana Code 5-14-1.5-6.1:

(2) For discussion of strategy with respect to:
(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

Matters of litigation were discussed beginning at 12:22 p.m., and adjourned at 1:58 p.m. Those in attendance:

- Warrick County Commissioners (Dan Saylor, Robert H. Johnson, Jr., Marlin Weisheit)
- Counsel for Warrick County (Todd Glass and Dan Glass)
- Warrick County APC Executive Director (Sherri Rector) [left at 1:37 p.m.]
- Warrick County APC President (Guy Gentry) [left at 1:35 p.m.]
- Counsel for Warrick County APC (Morrie Doll) [left at 1:37 p.m.]
- Warrick County Administrator (Roger E. Emmons)

The Warrick County Commissioners certify that no subject matter was discussed in the Executive Session other than the subject matter specified in the public notice.

WARRICK COUNTY BOARD OF COMMISSIONERS

Dan Saylor, President

Robert H. Johnson, Jr., Vice President

Marlin Weisheit, Board Member

Dated this 12th day of March, 2018.

ATTEST: Deborah K. Stevens, Auditor

REVIEW OF APPLICATION FOR PEDDLER/SOLICITOR LICENSE

I have received the following:

- ☑ Completed application
- ☑ License fee $1,000
- ☑ List of felony/misdemeanor convictions
  - ☑ Not applicable
- ☑ Proof of written permission from property owner
  - ☑ Not applicable
- ☑ Valid merchant certificate issued by Indiana Department of Revenue
- ☑ Copy of Warrick County Health Department permit
  - ☑ Not applicable
- ☑ Certificate of insurance proving General Liability Coverage of at least $500,000
- ☑ Certificate of insurance for all listed vehicles
- ☑ Copy(ies) of current and valid driver's licenses for all required individuals
- ☑ Proper identification

✓ I hereby recommend the accompanying application for approval.

____ I hereby recommend the accompanying application for rejection for the following reasons:

Recommend approval of 2018 Peddler/Solicitor License for TruGreen

Administrator

3-12-18
Date

APPROVED
Date 3-12-18
R.E.

WARRICK COUNTY
APPLICATION FOR PEDDLER/SOLICITOR LICENSE

Applicant

Name Jared Pigman

Phone Number 812-305-5863

Local Phone Number (if different)

Home Address 4710 Capehart St. Evansville, IN 47715

Local Address (if applicable/different)

Company/Organization

Name TruGreen

Phone number 812-868-5860

Address of Company/Organization 8601 Bayport Rd Evansville, IN 47725

Address of office in which applicant works

List of individuals that will be peddling or soliciting:

Name	Age	Height	Weight	Hair/Eye Color
Attached				

Please describe the nature of the goods, wares, merchandise, or services to be sold or for which orders are to be solicited: Lawn & Landscape care

Applicant seeks a license for the following duration: Fees: (payable to Warrick County Treasurer)

- ☐ One (1) weekend (Friday – Sunday) . . . . . $ 30.00
- ☐ One (1) week (Monday – Sunday) . . . . . $ 50.00
- ☐ One (1) month . . . . . $ 100.00
- ☒ One (1) year . . . . . $ 1,000.00

See reverse side

Vehicles to be used:

Year, Model, Make, Color	License Plate Number
Attached	

Please initial next to each once completed:

JRP 1. I have provided a list of all felony and/or misdemeanor convictions of the applicant and every agent that will be peddling or soliciting, including the date of conviction and the city/state of all such convictions. If none, write "none" here. None

JRP 2. I have provided proof of written permission from the property owner of the location where I will be set up. If not applicable, write "not applicable" here. N/A

JRP 3. I have provided a valid merchant certificate issued by the Indiana Department of Revenue.

JRP 4. I have provided a copy of the Warrick County Health Department permit to use, handle, sell, and/or distribute food within Warrick County. If not applicable, write "not applicable" here. N/A

JRP 5. I have provided a certificate of insurance proving comprehensive general liability coverage for the activities to be performed in the sum of no less than five hundred thousand dollars ($500,000).

JRP 6. I have provided a certificate of insurance for all vehicles that will be used by any party while peddling or soliciting.

JRP 7. I have provided a copy of a current and valid driver's license for all individuals that will be driving a vehicle in conjunction with peddling or soliciting.

JRP 8. I have provided identification containing the signature and photograph of the applicant and all agents that will be peddling or soliciting. Such photograph must be taken within sixty (60) days of the date of the application and must show the head and shoulders of the individual.

Please provide the name, address, and telephone number of the contact person who shall be available for a period of time of not less than sixty (60) days following the last sale, offer to sell, distribution of goods, wares, merchandise, food, services, or subscriptions, who will be responsible for consumer complaints.

(Name) Jared Pigman Address 8601 Bayport Rd Evansville, IN 47725

(Phone) 812-305-5863

I verify that all information provided on this application and accompanying this application for a peddler/solicitor license is truthful and complete to the best of my knowledge.

Signature of Applicant

2/23/18
Date

Warrick County Claims for Payment

AIGNER HARDWARE	$	523.14
AIRGAS USA, LLC	$	1,276.96
ALEXANDER NEWBURGH CHAPEL	$	100.00
ALPHA LASER SERVICES	$	44.00
AMERICAN STAMP & MARKING PRODUCTS	$	163.28
AUTO WHEEL AND RIM SERVICE	$	1,212.79
B-HIVE PRINTING	$	125.60
BAILEY'S	$	67.50
BEST ONE TIRE & SERVICE	$	2,592.58
BOB BARKER COMPANY INC.	$	863.86
BOONVILLE LAWN AND GARDEN INC.	$	10.48
BUMPER TO BUMPER / BTB CHANDLER	$	47.34
BYERS HTG & AIR	$	1,680.39
CSI COMPUTER SYSTEMS	$	169.18
DATA EQUIPMENT INC	$	90.89
DEACONESS HOSPITAL	$	7.17
EBN CONSTRUCTION & INDUSTRIAL SUPPLIES	$	84.21
FERGUSON ENTERPRISES INC #1480	$	80.50
GARCIA LAB	$	132.00
GEM CHEMICAL COMPANY, INC.	$	747.78
GRAINGER	$	44.40
HALL SIGNS,INC.	$	4,875.03
HEIDORN CONSTRUCTION	$	1,035.00
HUTSON, INC.	$	53.10
INDIANA PUBLIC DEFENDER COUNCIL	$	50.00
INTERSTATE BATTERIES OF WABASH VALLEY	$	95.00
KENWAY DISTRIBUTORS INC	$	355.01
LACAL EQUIPMENT, INC.	$	295.02
LAW CHEVROLET BUICK PONTIAC	$	217.21
LEWIS BROS BAKERIES, INC	$	41.00
MORTON SALT	$	14,468.21
O'REILLY AUTO PARTS	$	196.38
OFFICE CONNECTION	$	102.94
OFFICE DEPOT, INCORPORATED	$	1,130.53
PHILLIPS SIGNS & GRAPHICS	$	20.00
QUILL CORPORATION	$	544.15
RICOH USA INC	$	137.14
SENTINEL OFFENDER SERVICES LLC	$	229.40
SHERWIN-WILLIAMS	$	1,240.04
SIEGELS	$	2,771.00

TAB PRODUCTS CO. LLC	$	1,099.64
THE 2ND TIME AROUND DRIVELINE	$	156.57
THE MURPHY ELEVATOR CO INC	$	437.15
TITZER FAMILY FUNERAL HOMES	$	100.00
TRI STATE ORTHOPAEDIC SURGEONS INC	$	62.68
TRI-STATE LIGHTING & SUPPLY CO INC	$	75.31
UNIFIRST CORPORATION	$	75.66
VEI COMMUNICATIONS	$	135.00
WABASH FOODSERVICE	$	845.25
WARRICK AUTOMOTIVE SUPPLY	$	1,036.91
WARRICK CO DEPT OF PARKS & REC	$	747.83
WARRICK SOLID WASTE MGT DIST	$	35.40
YESTERDAZE, INC.	$	69.90
ALBION FELLOWS BACON CENTER	$	250.00
ANTHONY LONG	$	2,968.75
ASSOC IN PROSECUTING ATTORNEYS	$	1,900.00
BEEM, JUDY	$	50.00
BL BENNETT & ASSOCIATES, INC.	$	7,107.00
BRETT M ROY	$	2,968.75
CLERK-TREASURER--BOONVILLE	$	156,659.51
CLERK-TREASURER--CHANDLER	$	27,522.10
CLERK-TREASURER--ELBERFELD	$	5,969.77
CLERK-TREASURER--LYNNVILLE	$	5,251.36
CLERK-TREASURER--NEWBURGH	$	39,295.19
CLERK-TREASURER--TENNYSON	$	1,848.09
COURTNEY PERSOHN	$	200.00
CSI COMPUTER SYSTEMS	$	561.00
DORIS HORN	$	50.00
ELPERS DEVELOPMENT INC	$	10,700.00
FIFTH THIRD BANK	$	122.80
HYATT PLACE INDIANAPOLIS AIRPORT	$	283.80
IN ASSOC OF CO HWY ENGINEER & SUPERVISOR	$	50.00
INDIANA AMERICAN WATER	$	83.11
INDIANA STATE POLICE TRNG.FUND	$	441.00
JEFF WILLIS	$	50.00
JEFFREY L VALIANT	$	50.00
KELLER, PAUL	$	50.00
MARK K. PHILLIPS, PC	$	2,968.75
MARTIN & MARTIN, INC.	$	5,937.50
MCCULLOUGH, MEGHAN	$	50.00
MERCEDES MEDICAL	$	32.00
METZGER CONSTRUCTION CO INC.	$	4,157.57
MIKE MOESNER	$	50.00

MIKE WINGE	$	50.00
MULZER CRUSHED STONE, INC.	$	11,549.49
MUTUAL OF OMAHA	$	7,882.54
NEWBURGH POLICE DEPARTMENT	$	250.00
PHILLIP M & LAURA B ADAMS	$	787.60
PHILLIPS, BRENNAN	$	2,968.75
RENEWABLE RESOURCES	$	105.00
SHERATON INDIANAPOLIS-KEYSTONE	$	507.00
SHERRY SMITH	$	2,968.74
SPRINT	$	629.39
STAPLES CREDIT PLAN	$	79.91
STORAGE GUARDIAN	$	826.33
TELE/DATA COMMUNICATIONS OF IN	$	120.00
UNIFIRST CORPORATION	$	233.29
VECTREN ENERGY DELIVERY	$	1,707.47
WABASH VALLEY SERVICE CO	$	12,024.45
WAGNER, CHRIS	$	414.00
WARREN MATHIES	$	2,968.74
WARRICK COUNTY TREASURER	$	701,436.35
AIGNER, MICHAEL K.	$	69.25
ALPHA LASER SERVICES	$	150.99
AMERICAN LEGAL PUBLISHING CORP	$	1,196.00
AMERICAN STRUCTUREPOINT INC	$	21,208.35
CITY OF BOONVILLE	$	200.00
CLERK - WARRICK COUNTY SUPERIOR COURT	$	62.50
TEAMSTERS LOCAL #215	$	3.00
DIVISION OF CHILD SUPPORT	$	104.00
DIXON, VERONICA & KENNETH	$	623.52
DORIS HORN	$	50.00
DOWNEY, JOSHUA	$	1,570.78
ECONOMIC DEV COALITION OF SW IN	$	305.00
EVANSVILLE METROPOLITAN PLANNING ORG	$	30,000.00
EVER-CLEAN SERVICES, INC.	$	195.00
FARNEY FARMS	$	8,035.00
FIDLAR TECHNOLOGIES INC	$	1,187.34
FIRST BANKCARD	$	4,519.42
FRONTIER	$	294.26
GENTRY, GUY	$	50.00
HARSHAW TRANE SERVICE INC.	$	19,031.00
HASENOUR, LAURA	$	100.00
HEALTH RESOURCES INCORPORATED	$	8,720.64
I.T.I.	$	192.50
IN ASSOC OF CO HWY ENGINEER & SUPERVISOR	$	50.00

JACKIE RAMSEY	$	26.57
JEFF WILLIS	$	50.00
JERRY AIGNER CONSTRUCTION,INC.	$	13,475.00
LORENZEN, DANIEL AND PAULA	$	62.74
MARTIN & MARTIN, INC.	$	13.32
MATTHEW BENDER & CO INC	$	343.00
MATTHEWS, TERESA	$	54.00
MCDANIEL, KRISTY	$	100.00
MCDONALD LAW OFFICE	$	927.00
MCDOWELL, NANCY	$	209.30
MCKESSON MEDICAL-SURGICAL INC.	$	299.56
MEDICAL BENEFITS ADMINISTRATORS, INC.	$	72,162.31
MEYER TRUCK EQUIPMENT	$	4,112.50
MORLEY & ASSOCIATES INC.	$	9,795.10
MORRIE DOLL	$	250.00
NURRENBERN, VICTOR	$	65.61
OFFICE DEPOT - CREDIT PLAN	$	111.96
OFFICE DEPOT, INCORPORATED	$	119.11
PAXTON MEDIA GROUP, LLC	$	30.00
PC QUEST	$	1,236.99
RANKINS, LORI AND DANIEL	$	29.52
REISING, CONNOR	$	1,153.86
RICOH USA INC	$	30.78
ROBERTS, WILLIAM & DONNA	$	1,145.41
SHARON SHOULDERS	$	11.00
SHEPHERD INSURANCE	$	4,827.78
SPECTRUM	$	178.38
STAPLES	$	55.34
STOLL KEENON OGDEN PLLC	$	9,854.65
STORAGE GUARDIAN	$	150.15
STRATMAN, ROSEMARY E.	$	9,000.00
THE LANG COMPANY	$	10.98
TREASURER STATE OF INDIANA	$	1,643.00
U.S. BANK	$	49.15
UNIFIRST CORPORATION	$	3.06
UNITED CONSULTING ENGINEERS	$	24,334.53
VALLAD, KYLE	$	27.56
VECTREN ENERGY DELIVERY	$	16,422.02
VERIZON WIRELESS	$	90.03
WARRICK CO. SOLID WASTE MGMT DISTRICT	$	15.00
WARRICK COUNTY TREASURER	$	1,180.70
WARRICK PUBLISHING CO	$	44.70
WEX BANK	$	253.20

WILLIAM BYERS	$	50.00
WILLIAM F. NEIDIG & DARLENE J. NEIDIG	$	15,002.00
WOWI BUSINESS	$	107.38
Grand Total:		$ 1,355,623.44

76-12 Attached
1,355,699.56

I hereby certify that each of the above listed vouchers and the invoices, or the bills attached thereto, are true and correct and I have audited same in accordance with IC 5-11-10-1.6, March 12th, 2018. IC 5-11-10-2 permits the governing body to sign the accounts Payable Voucher Register in lieu of signing each claim the governing body is allowing. We have examined the vouchers listed on the foregoing Accounts Payable Voucher Register, in the total amount of: $1,355,623.44 Dated this 12th day of March, 2018. Debbie Stevens, Auditor of Warrick County

Dan Saylor

Dan Saylor, President

Bob Johnson, Vice President

Marlin Weisheit

Marlin Weisheit, Member

Debbie Stevens

Debbie Stevens, Auditor

Contract No:R -30473 Change Order No.: 013

INDIANA Department of Transportation Page: 1

Construction Change Order and Time Extension Summary

Contract Information
District:VINCENNES DISTRICT
Contract No.: R -30473
AE:Schum, Curtis
Letting Date:11/16/2016
PE/S:Price, Tyler
Status:Draft

Change Order Information
Date Generated: 00/00/0000
Change Order No.: 013
Date Approved: 00/00/0000
EWA: N or Force Acct: N
Reason Code: CHANGED COND, Utility Related
Description: AT&T Delay Time Extension

Original Contract Amount	$ 6,072,995.00	
Current Change Order Amount	$ 0.00	Percent: 0.000 %
Total Previous Approved Changes	$ 97,880.39	Percent: 1.612 %
Total Change To-Date	$ 97,880.39	Percent: 1.612 %
Modified Contract Amount	$ 6,170,875.39	

Time Extension Information
Date Initiated 00/00/0000
Date Completed 00/00/0000

Original Contract Time
SS Completion Date 00/00/0000 or SS Calendar/Work Days 0
SP Date 00/00/0000 or SP Days
(SS = Standard Specification, SP = Special Provision)

Time Element Description:
Current Time Extension
SS Days 0 SP Days 0 SP Days Value $ 0.00

Previous Time Approved
SS Days by AE:_____ DCE:_____ SCE:_____ DDCM:_____
SS Days_____ SP Days Value $ _____

Revised Contract Time
SS Completion Date 00/00/0000 or SS Calendar/Work Days 0
SS Date 00/00/0000 or SP Days 0

Contract No:R -30473 Change Order No.: 013

INDIANA Department of Transportation Page: 2

Construction Change Order and Time Extension Summary

Review and Approval Information

Required Approval Authority
($ per Change Order)
(Days per Contract)
AE:_____ DCE:_____ SCE:_____* DDCM:_____*
(- LE $ 250K-) (- LE $ 750K -) (-- LE $ 2 M --) (-- GT $ 2 M --)
(50 SS days) (100 SS days) (200 SS Days) (GT 200 SS days)

Verbal Approval Required? Y / N If Y, by_____ Date Issued_____

Total Change To-Date>5%? Y / N If Y , Copy to Program Budget Manager_____

Scope/Design Recommendation Required? Y / N If Y, Referred to Project Manager(PM) _____

Date to PM_____ Date Returned_____

Approval Authority Concurs with PM? Y / N If Y, Concurrence by_____ Date_____

If N,Resolution: Approved _____ Disapproved _____

Resolved by_____ Date_____

LPA Signatures Required? Y / N If Y, Date to LPA _____ Date Returned _____

FHWA Signatures Required? Y / N If Y, Date to FHWA_____ Date Returned_____

* Field Engineer Recommendation (Required for SCE or DDCM Approval)

Field Engineer _____ Date _____

Comments: _____

Contract No:R -30473
Change Order No:013

INDIANA
Department of Transportation

Date:02/22/2018
Page: 3

Contract: R -30473
Project: State:0500636
Change Order Nbr: 013
Change Order Description: AT&T Delay Time Extension
Reason Code: CHANGED COND, Utility Related

CLN	PCN	PLN	Item Code	Unit	Unit Price	CO Qty	Comment	Amount Change

Total Value for Change Order 013 – $ 0.00

Contract Completion Date Time Adjustment
Original Completion dt: 11/15/2018 Adj compl dt 04/07/2019 Adj No. of Days 143
Explanation:

Milestone Time Adjustment
MileStone Nbr: 01
Milestone Description: INTERMEDIATE COMPLETION DATE:
Original Completion dt: 08/01/2018 Adj compl dt 08/22/2018 Adj No. of Days 21
Explanation:

Whereas, the Standard Specifications for this contract provides for such work to be performed, the following change is recommended.
General or Standard Change Order Explanation

Both overhead and underground ATT utilities were in conflict with the proposed storm sewer in Phase 4A. The contract information book stated ATT had 90 days to relocate beginning after right of way was staked and Vectren relocations were complete. These 90 days began July 2017 and ended October 2017. JBI was postponed in their storm sewer installation due to the ATT conflicts beginning January 11, 2018 and ending February 1, 2018, a total delay of 21 days. Intermediate completion will become August 22, 2018. The delay of 21 days extends the final completion date past November 30. Per Spec 108.08, these days remaining after November 30 will be added to April 1 of the following year, making the final completion date April 7, 2019.

Change Order Explanation for Specific Line Item

It is the intent of the parties that this change order is full and complete compensation for the work describe above. Notification and consent to this change order is hereby acknowledged.

Contractor: JBI CONSTRUCTION, INC. Signed By:
Date: 2/22/18

NOTE: Other required State and FHWA signatures will be obtained electronically through the SiteManager system.

Contract No:R -30473
Change Order No:013

INDIANA
Department of Transportation

Date:02/22/2018
Page: 4

APPROVED FOR LOCAL PUBLIC AGENCY

(SIGNATURE) (TITLE) 3/12/18 (DATE)
(SIGNATURE) (TITLE) 3/12/18 (DATE)

SUBMITTED FOR CONSIDERATION

PE/S

APPROVED FOR INDIANA DEPARTMENT OF TRANSPORATION

Approval Level	Name of Approver	Date	Status

JBI CONSTRUCTION, INC.

10335 Hedden Rd. · Evansville, IN 47725 · (812) 867-5959 · fax (812) 867-5993 · www.jbiconcrete.com

Mr. Tyler Price, PE
American Structurepoint, Inc.
20 East Sycamore Street
Evansville, IN 47713

January 10, 2018

RE: R-30473 – Notice of Delays of Controlling Operation Due to AT&T Utility

Dear Mr. Price:

JBI Construction, Inc. started storm sewer in the Phase 4A area of this project on Monday January 8, 2018. As of the end of business today, January 10, 2018, we are officially delayed on continuing with the controlling operation of this project due to the AT&T utility still being in the way of proposed construction. The AT&T underground utility is in conflict with the proposed storm sewer at approximate station 265+58 Right. Furthermore, the next storm drainage system in Phase 4A from approximate station 268+65 to 274+00 Right has AT&T power poles still in the way.

According to page 134 of the CIB, AT&T required 90 calendar days for their entire relocation scope after right of way was staked/cleared and also after Vectren was complete. JBI had right of way staked and trees cleared in Phase 4 as of March 3, 2017. Vectren was complete with their relocation on or around July 2017. This was ample time for AT&T to complete their relocation. JBI has made numerous contacts with AT&T representatives about scheduling and still cannot get a firm completion date. JBI Construction will continue to monitor the number of days that we cannot work on the controlling operation on this project.

If you should have any questions concerning this correspondence, please do not hesitate to call me at (812) 867-5959 or mobile at (812) 598-7177.

Respectfully,
JBI Construction, Inc.

Casey A. Lasher, Vice President of Operations

Equal Opportunity Employer

Price, Tyler

From: Casey Lasher <casey@jbiconst.com>
Sent: Thursday, February 01, 2018 9:41 AM
To: Price, Tyler
Cc: Baehl, Jamie; Jeff Beatty; Tim Sigler
Subject: FW: R-30473 Notice of Delay of Controlling Operation
Attachments: R-30473_Delay Letter AT&T Utility_01-10-18.pdf

Tyler,

AT&T has communicated to Jeff that the splicing was complete in Phase 4 on 1/30/18. Jeff also stated that FX Underground was onsite 1/31/18 demolishing the old utility. Please let this email serve as the notice that we are no longer delayed on the controlling operation storm sewer installation in Phase 4A. Due to the current weather pattern, our intentions are to start on the Phase 4A storm sewer again on Monday 2/5/18.

Thanks,

Casey A. Lasher
Vice President of Operations
JBI CONSTRUCTION, INC.
Office: 812-867-5959 X 3
Fax: 812-867-5903
Mobile: 812-598-7177
casey@jbiconst.com
www.jbiconst.com

From: Casey Lasher [mailto:casey@jbiconst.com]
Sent: Wednesday, January 10, 2018 4:41 PM
To: Tyler Price (tprice@structurepoint.com) <tprice@structurepoint.com>
Cc: Jamie Baehl (jbaehl@structurepoint.com) <jbaehl@structurepoint.com>; Tim Sigler (tim@jbiconst.com) <tim@jbiconst.com>; Jeff Beatty (jeffjbiconst@gmail.com) <jeffjbiconst@gmail.com>
Subject: R-30473 Notice of Delay of Controlling Operation

Tyler,

Per our telephone conversation, see attached.

Thanks,

Casey A. Lasher
Vice President of Operations
JBI CONSTRUCTION, INC.
Office: 812-867-5959 X 3
Fax: 812-867-5903
Mobile: 812-598-7177
casey@jbiconst.com
www.jbiconst.com

1

Baehl, Jamie

From: Schum, Curt <CSCHUM@indot.IN.gov>
Sent: Tuesday, March 06, 2018 7:53 AM
To: Baehl, Jamie; Meeks, Nickolas W
Subject: RE: R-30473 Change Order 13 Time Extension

Hello,
Looks like it's according to specs.
Thanks
Curt

From: Baehl, Jamie [mailto:jbaehl@structurepoint.com]
Sent: Tuesday, March 06, 2018 7:31 AM
To: Meeks, Nickolas W <NMeeks@indot.IN.gov>; Schum, Curt <CSCHUM@indot.IN.gov>
Subject: RE: R-30473 Change Order 13 Time Extension

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Curt and Nick,
Did you have a chance to glance over this? Curt, I know you mentioned at the Oak Grove precon but just wanted to make sure you were in agreement so we can get it to county for their meeting next week.
Thanks,

JAMIE BAEHL, EI
Inspector, Construction Solutions Group
20 E Sycamore Street
Evansville, IN 47713
812.402.4509 OFFICE
812.664.4955 CELL
structurepoint.com WEB
STRUCTUREPOINT
Best Places to Work in Indiana
Best Employers in Ohio

From: Baehl, Jamie
Sent: Thursday, February 22, 2018 12:58 PM
To: 'Meeks, Nickolas W' <NMeeks@indot.IN.gov>; Curt Schum (cschum@indot.in.gov) <cschum@indot.in.gov>
Subject: R-30473 Change Order 13 Time Extension

Hi Curt and Nick,
Attached is Change Order 13 for Lincoln Avenue. JBI has been delayed 21 days by AT&T, so this extends the intermediate and final completion dates. Please take a look and let me know if you have any questions or if it looks ok to you.
Thanks!

1

INTERLOCAL AGREEMENT
BY AND BETWEEN

THE CITY OF BOONVILLE, INDIANA COMMON COUNCIL
BOONVILLE, INDIANA

AND

WARRICK COUNTY, INDIANA
BY AND THROUGH ITS
BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

THIS AGREEMENT (hereinafter the "Agreement"), made and entered into as of this 12th day of March, 2018, by and between the CITY OF BOONVILLE, INDIANA, COMMON COUNCIL (hereinafter "Boonville"), and WARRICK COUNTY, INDIANA by and through its BOARD OF COMMISSIONERS (hereinafter "County").

WITNESSETH:

WHEREAS, the City of Boonville is a "city" as that term is defined by I.C. §36-1-2-3 and is a "municipality" as that term is defined by I.C. §36-1-2-11, and its Redevelopment Commission; and

WHEREAS, Warrick County is a "County" as created in I.C. §36-2-1-1, and is governed by its Board of Commissioners as its "County Executive" as provided in I.C. §36-2-2; and

WHEREAS, the parties have the power under I.C. §36-1-7 *et. seq.* and I.C. §36-1-3 to enter into this interlocal agreement to provide for the coordination and implementation of certain joint efforts for the economic development benefit of both the County and Boonville; and

WHEREAS, Warrick County includes a large amount of reclaimed surface mining areas often overlooked for economic development efforts, and the parties have agreed that their cooperative efforts to promote development of such areas in Warrick County, including particularly Boon Township of Warrick County, is in the best interests of all residents of the City of Boonville and Warrick County; and

WHEREAS, Greenlife Development, LLC. (hereinafter "Greenlife") has proposed a substantial residential development project located in Boon Township, Warrick County, Indiana, covering approximately 365 acres of reclaimed surface mining property (hereinafter the "Project"). A map indicating the area of the Project is attached and incorporated herein as Exhibit "A"; and

WHEREAS, Greenlife has entered into a contract with Boonville for its Department of Public Works to provide water and sewer services to the Project which benefits the Project, the City of Boonville and Boon Township (hereinafter the "Sewer Agreement"). A copy of the Sewer Agreement is attached and incorporated herein as Exhibit "B"; and

WHEREAS, the County has expended funds for the benefit of the project and the areas surrounding the Project for infrastructure improvements located within the County, has developed a large public park complimentary to the Project, has developed a system of healthy lifestyle pathways throughout the County which have been connected to the Project in order to compliment the Project, and has promoted the Project and Greenlife in an effort to induce Greenlife to begin construction of the Project; and

WHEREAS, Boonville has offered to take certain steps to assist Greenlife and promote the Project's development; and

WHEREAS, the parties agree the County has an economic development interest in seeing its investment in the Project completed in an area located in Warrick County and Boon Township and not within the boundaries of Boonville; and

WHEREAS, the parties agree Greenlife has represented its intent to abandon the Project if the Project were subject to the potential annexation by the City of Boonville in the foreseeable future; and

WHEREAS, the County is willing to invest further in the Project by providing funding that will assist in the construction of a main access roadway to the Project compliant with County roadway standards; and

WHEREAS, in return for the benefits it will receive from the Project and the additional financial compensation as outlined in Exhibit "C", the Common Council of the City of Boonville is willing to enter into this Agreement and allow the Project to remain located in the County without the threat of annexation by the City of Boonville, for the period outlined in provision 4 below.

NOW, THEREFORE, for and in consideration of the mutual agreements of the parties hereto, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. The RECITALS above are incorporated as if the same were fully set forth herein.

2. This Agreement is governed by the requirements of I.C. § 36-1-7-3(a) and other than meeting the requirements of said section, the parties agree they are not required to meet other conditions and requirements set forth in I.C. § 36-1-7 regarding interlocal cooperation.

3. **Condition Precedent**. The County and Boonville shall submit this Agreement to the Warrick County Board of Commissioners and the Common Council of the City of Boonville, respectively, for their approval and consent and upon their acknowledgement of the same they shall become parties to this Agreement. In the event such approval is not obtained within ninety (90) days from the date of this Agreement, then this Agreement shall terminate automatically without notice and the parties shall be relieved of any obligations hereunder, unless the time period is extended by written agreement of the parties.

4. **Duration and Term**. This Agreement shall become effective as of the 1st day of April, 2018, for a period of fifteen (15) years, terminating at 12:01 a.m. on the 31st day of March, 2033.

5. **Purpose**. This Agreement is entered into for the purpose of promoting economic development in Boon Township and Warrick County; to promote the development of reclaimed surface mining property not otherwise developed for residential, commercial, industrial or other uses; to allow for a period of time for the development and initial growth of the Project without the uncertainty of annexation by Boonville; and for the parties to provide the necessary financial assistance and other consideration to each other as provided for herein in order to complete and successfully promote the Project for the benefit of all residents of Warrick County and the City of Boonville.

6. **Agreements by and Between Boonville and Greenlife**. The City of Boonville will incur costs for the acquisition of easement rights to deliver water and sewer services to the Project as called for by the Sewer Agreement. Greenlife and Boonville have entered into a supplemental agreement, (attached and incorporated herein as Exhibit "C" as

the "Amendment to Sewer Agreement dated August 23, 2016"), whereby Greenlife has agreed to reimburse Boonville for incurred easement acquisition costs. In addition, and as more particularly described in the Amendment to Sewer Agreement dated August 23, 2016:

a. Greenlife has agreed to compensate Boonville for removing any and all waivers of remonstration rights by property owners within the Project that Boonville would otherwise demand in return for taps to sewer and water services to be provided by Boonville to the Project; and

b. Boonville agrees it will take no action during the term of this Agreement to seek or influence any change of address, zip code or school district for the parcels located within the Project without the express written consent and agreement of Greenlife.

7. **Agreements by and between Boonville and the County**. In return for the commitments herein provided by the County, Boonville agrees to allow any and all parcel owners in the Project to apply for, pay and receive taps for water, sewer and other services without any obligation of any nature whatsoever to waive or otherwise release rights each parcel owner has or may have at any time now or in the future to remonstrate, object to or dispute any effort by Boonville to annex any part or all of the Project into the municipal limits of the City of Boonville. The agreement by Boonville to forego any such waiver or release by parcel owners within the area of the Project shall survive the term of this Agreement. Furthermore, Boonville agrees not to take any action of any nature whatsoever to annex or otherwise acquire any part of the Project into the municipal limits of the City of Boonville during the term of this Agreement.

8. **Project Financing and Budget**. Greenlife shall provide reimbursement for easement acquisition costs and the compensation for sewer tap applicants as set forth in the attached Exhibit "D", which is made a part hereof, to retain all rights to remonstrate against threatened annexation by Boonville, as more particularly provided for in the Amendment to Sewer Agreement dated August 23, 2016. The County agrees to provide funding for a portion of the costs associated with the construction of the access road to the Project connecting the Project to Oak Grove Road to the South.

There shall be no joint undertaking by the Parties to this Agreement and no joint financing or budget shall be required. All other costs associated with the Project shall be paid by the parties responsible for particular improvements, construction or develop of related aspects of the Project.

9. **Disposition of Property Upon Completion of Project**. Upon the completion of the Project and the obligations of the Parties herein, the Project shall remain in the unincorporated limits of Warrick County for the duration of this Agreement. Any funds committed by the Parties as provided for herein not otherwise expended or necessary for the completion of the Project for any reason shall remain the property of the respective Parties.

10. **Binding Effect; Enforcement; Mediation; Attorneys' Fees**. All commitments and undertakings herein expressed shall be binding on all parties hereto and their respective legal representatives, successors and assigns, and shall also run in favor of Greenlife and all the owners of real estate lying within the Project area and a radius of one-half (1/2) mile from the Project area herein described and shall be enforceable by said property owners and the parties hereto or Greenlife invoking any legal, equitable or special remedy, including specific performance, injunction or other equitable relief pursuant to the

manner of enforcement as set forth under the Sewer Agreement dated August 23, 2016 and attached hereto. Any and all other disputes, complaints, controversies, claims and grievances arising under, out of, or in any manner related to this Agreement and pertaining only to Boonville and the County shall be settled consistent with the following process:

A. All parties hereto shall resolve any dispute through direct negotiation with the other party/parties.

B. If disputes are not resolved within four (4) weeks after a demand for direct negotiation, the parties shall attempt to resolve disputes through mediation conducted in Evansville, Indiana. If the parties do not agree on a mediator within ten (10) days, either party may request the American Arbitration Association to appoint a mediator who shall be an attorney who has substantial experience in commercial law issues. If the mediator is unable to facilitate a settlement of disputes within forty-five (45) days, the mediator shall issue a written statement to the parties to that effect and the aggrieved party may then seek relief through the Court as provided below. The fees and expenses of the mediator shall be split and paid equally by each of the parties.

C. Upon a failure of the mediation process to resolve any dispute, a party may thereafter apply to any court of competent jurisdiction for injunctive relief or other interim measures as provided for elsewhere in this Agreement. Any party may apply to the Warrick County Circuit or Superior Courts for equitable relief including injunctive relief, specific performance, or other interim measures, provided the claim for relief

otherwise meets the legal requirements necessary for being awarded such equitable relief. It shall not be necessary to post a bond before applying for equitable relief.

11. **Notice**. Any notice required or permitted to be given under this Agreement shall be in writing and shall be personally delivered or sent by certified or registered mail, first class mail postage prepaid, return receipt requested and shall be addressed as set forth below or such other address as may be specified in a prior written notice to the other party:

If to Boonville:

Hon. Charlie Wyatt
Mayor, City of Boonville
Boonville City Hall
135 South Second Street
Boonville, IN 47601

With copy to:
Mark Phillips, Esq.
City of Boonville Attorney
114 S. Third Street
P.O. Box 427
Boonville, IN 47601

If to the County:

Warrick County Board of Commissioners
Attn: Roger Emmons, County Administrator
107 West Locust Street, Suite 301
Boonville, Indiana 47601

With a copy to:
Todd I. Glass, Esq.
Warrick County Attorney
Fine & Hatfield, PC
520 N.W. Second Street
Evansville, IN 47705

13. This Agreement shall not be changed, modified, or amended except by written agreement executed by the parties hereto.

14. This Agreement sets forth the entire Agreement and understanding between the parties as to the matters contained herein, and supersedes all prior discussions, agreements, and undertakings of every kind and nature between them.

15. In the event any of the Paragraphs shall be held by a court to be unenforceable, such Paragraph shall be enforced to the fullest extent permissible and the remaining portion of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Interlocal Agreement this 19th day of March, 2018.

"COUNTY"

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA

President Dan Saylor

Vice-President Robert H. Johnson, Jr.

Member Marlin Weisheit

Attest:
Deborah K. Stevens, Auditor
Warrick County

"BOONVILLE"

COMMON COUNCIL OF THE CITY OF
BOONVILLE, INDIANA

President

Vice-President

Member

Member

Member

Attest:
Tammy Winsett Boruff,
Clerk-Treasurer

The City of Boonville-Warrick County Interlocal (Greenlife Development Project) is on File in its entirety, in the Auditor's Office.