WARRICK COUNTY COUNCIL MEETING
COMMISSIONERS MEETING ROOM
107 W. Locust Street
Boonville, Indiana
February 7, 2019
6:00 PM

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

Attorney Cliff Whitehead and Administrator Krystal Powless were in attendance.

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

Council Vice President, Ted Metzger, called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

Ted Metzger: Okay, before we get started I'd like to comment on, you might notice we're a little bit short up here tonight. Rick, I'm sorry, Greg is on some R&R, well deserved R&R. And Charlie Christmas is still in the nursing home. I visited Charlie earlier this week. And he's anxious to get out of there and get back to work. So as soon as the doctor's release him, we can look forward to him coming back. But, if you would until that time, please keep him in your prayers.

ROLL CALL

Councilman Metzger: Okay, the first item on the agenda is a tabled item.

Councilman Hachmeister: Roll Call.

Councilman Metzger: Oh, I'm sorry, Roll Call. Got ahead of myself.

Krystal Powless: Charlie Christmas?

Charlie Christmas: *(Councilman Christmas was not present for this meeting).*

Krystal Powless: David Hachmeister?

Councilman Hachmeister: Here.

Krystal Powless: Cindy Ledbetter?

Councilwoman Ledbetter: Present.

Krystal Powless: Ted Metzger?

Ted Metzger: Present.

Krystal Powless: Brad Overton?

Brad Overton: Here.

Krystal Powless: Richard Reid?

Richard Reid: Present.

Krystal Powless: Greg Richmond?

Greg Richmond: *(Councilman Richmond was not present for this meeting).*

TABLED ITEMS
HEALTH DEPARTMENT BUSINESS EQUIPMENT

Councilman Metzger: Okay, now the first item on the agenda tonight is a Tabled Items. It's Health Department, Health Maintenance, Equipment, transfer of twenty-five hundred dollars ($2,500.00)…I'm sorry, two thousand five hundred twenty-nine dollars and ninety-eight cents ($2,529.98) for a laptop computer. And I think Aaron's here to tell us about this.

Aaron Franz: Aaron Franz, Administrator for the Warrick County Health Department. We had to make a purchase. This is actually a transfer from Local Health Maintenance Fund. Local Health Maintenance is a State Fund that we're allotted every year from the Indiana Department of Health. So we had to submit a request to them and this was for our Food Sanitation program. It had to meet certain requirements to be able to house all their programs and stuff that they require for us to use to do the inspections. And we also got a rugged laptop because this one's out on the job quite a bit. We had to do a lot of repairs to the last one (1). So that's what this is. It's a transfer from the Local Health Maintenance that the State of Indiana approved. So that's what we're asking for.

Councilman Metzger: So basically it's a gift from the State of Indiana. We're just transferring the…

Aaron Franz: If you want to call it a gift. Yeah, I don't ever see anything, anything they give me is not a gift.

Councilman Metzger: Has strings attached to it.

Aaron Franz: There's always strings attached to it.

Councilman Hachmeister: Motion to approve.

Councilman Overton: Second.

Councilman Metzger: Motion made by David and seconded by Brad. All those in favor? All those opposed? Motion carries five (5) to one (1)...or no five to zero (5-0). Five to zero (5-0). I'll get it together in a minute.

APPROVAL OF MINUTES
JANUARY 10, 2019
MEMORANDUM OF EXECUTIVE SESSION

Councilman Metzger: Okay, next item on the agenda is Approval of the Minutes from January 10th. Also the Approval of Memorandum of Executive Session that we had on the 22nd, I believe it was.

Krystal Powless: Correct.

Councilman Metzger: And we can do them both at the same time, right? Okay.

Roger Emmons: The date's incorrect.

Krystal Powless: The January 22nd?

Roger Emmons: You've got January 10, 2018.

Krystal Powless: 2019, good catch, Roger.

Councilman Metzger: Okay, 2019. That makes a small difference.

Councilman Hachmeister: Yeah, I think, Kristine, you done caught up on it, correct? So, I make a motion to approve both.

Councilman Overton: Second.

Councilman Metzger: Motion made by David. Seconded by Brad. All in favor? Opposed? Motion passed five, zero (5-0).

(Memorandum of Executive Session is located on Page 20 of these Official Minutes)

EMS BUSINESS
YEAR END SUMMARY

Councilman Metzger: Okay, next item on the agenda is the EMS Report. And I believe Tony O'Neal, or no, Tony's not here tonight.

Esha Roth: I'm Esha Roth, Coordinator for Warrick EMS. First of all, Tony asked me to apologize to you cause he wanted to be here, but he had to do some Fire Department training. So, he asked me to come in his place. So, I think we sent ahead some graphs and some information for you guys. We just kind of wanted to give you some high level overview of what we did during the year. Cause we don't come every month and we just want to say, hey, we're here and we're doing good work. The biggest highlight from it that you can easily see on the graph is we're getting busier at EMS. Our run volume compared to 2017 was twelve percent (12%) higher, which might not sound like a lot, but it really is. We're seeing a lot of growth in EMS and we're doing a lot more runs. I won't read this whole thing to you cause you guys have it. But we also did a lot of training in our department and outside our department with Fire Departments, with Police Officers. We did some training we're really proud of with Dispatch called, 'No, No, Go, CPR,' to help callers be prompted when to do CPR, so we're pretty proud of that. We've done a lot of student education. We've done a lot of community events. Just a lot of things we're doing to improve our department and we're pretty, pretty proud. Is there anything you guys would like from us? Or any questions that you have? Or anything you'd like to know?

Councilman Metzger: Except for the increase in runs, everything looks pretty normal as quarterly reports go. I don't have anything. Anybody else? No, we don't. Thank you very much.

Esha Roth: If you do, you know where we are.

Councilman Metzger: Yes, we do.

Esha Roth: Thank you.

Councilman Metzger: Thank you.

ECONOMIC DEVELOPMENT BUSINESS
SALARY ORDINANCE
VACATION PAY OUT

Councilman Metzger: Okay, next item on the agenda is Economic Development Business, Salary Ordinance. It's a vacation pay out of four (4) weeks for six thousand seven hundred and eighty dollars ($6,780.00).

Councilman Metzger: Oh, I'm sorry.

Councilman Hachmeister: Eighty cents ($0.80).

Councilman Metzger: Eighty cents ($0.80). Six thousand seven hundred dollars and eighty cents ($6,700.80). This is for, this is for the Economic Development Director. He will retire on March 31st and I believe we're bound to pay him what he's owed here from the Employee's Handbook.

Councilman Hachmeister: Motion to approve.

Councilman Overton: Hold on just a second.

Councilman Metzger: Okay.

Councilman Overton: Krystal, there's like eighty cents ($0.80) on the pay out and then down in the (inaudible)...

Krystal Powless: In the email, eighty ($0.80) was right. I changed it.

Councilman Overton: Okay, just wanted to make sure.

Krystal Powless: Um hum.

Councilman Metzger: Okay, we have a motion by David, was that correct?

Councilman Hachmeister: Yeah.

Councilman Metzger: Motion by David.

Councilman Overton: Second.

Councilman Metzger: Seconded by Brad. All those in favor? Motion passes five to zero (5-0).

ECONOMIC DEVELOPMENT DIRECTOR

Councilman Metzger: And Larry's not here tonight.

Councilman Reid: He's on vacation.

Councilman Metzger: Oh, is he? Okay, Item 4B. Additional Appropriation, Economic Development again for the Director. Three thousand seven hundred dollars ($3,700.00). The Additional is the difference between the new Director's pay and the amount needed to pay out of the retiree.

Councilman Overton: This is all based upon the Handbook, too.

Councilman Metzger: That's what I thought.

Councilman Overton: So motion to approve.

Councilman Metzger: Okay, we have a motion to approve by Brad.

Councilwoman Ledbetter: I second.

Councilman Metzger: Cindy seconds. All those in favor? All those opposed? Okay, motion passed four to one (4-1 with David Hachmeister opposing). David is the no.

HIGHWAY BUSINESS
TRANSFER FROM HIGHWAY FUND TO RESTRICTED HIGHWAY FUND
RESOLUTION 2019-01

Councilman Metzger: Highway Business, and we're doing this by Resolution.

Krystal Powless: Yes, we're doing a Resolution transfer from the Highway Fund to the new Highway Restricted Fund.

Councilman Metzger: Right. And this is a Statute instituted by the State that we have to put fifty percent (50%) of our High...of our MVH Funds into MVH Restricted Funds and it can, it has to be used on construction, reconstruction, and preservation only.

Roger Emmons: Good evening, Ladies and Gentlemen. Roger Emmons, County Administrator. I'm here with Board President Dan Saylor. And I found out at 4:30 (PM) I was going to present this for Bobby. He had a family emergency come up.

Councilman Metzger: Oh, I hate to hear that. Hope everything's okay.

Roger Emmons: Yeah, thank you. Back on December 27th, Lori Rogers with the State Board of Accounts, she's the Director of County Audit Services, sent out an email to every County regarding the Restricted Fund. And 1176, which is the MVH, Motor Vehicle Highway Fund, which is funded through gas tax and various combinations, it's a complex equation. Now we have to do fifty percent (50%) into a restricted fund and that Fund number is 1173. And Krystal and Debbie probably knows more about it than I do, for sure. But basically we're following what State Board of Accounts has directed us to do.

Councilman Metzger: Okay.

Councilman Overton: Motion to approve.

Councilman Reid: Second.

Councilman Metzger: We have a motion to approve…

Councilman Hachmeister: Is that an Ordinance?

Councilwoman Ledbetter: That's on 5B, right?

Krystal Powless: It's on 5A.

Councilwoman Ledbetter: 5A? Okay.

Councilman Hachmeister: 5A.

Kristine Georges: The Resolution number would be 2000…

Roger Emmons: I don't know. Is there…

Councilman Hachmeister: Instead of an Ordinance, it's a Resolution.

Kristine Georges: Resolution 2019-01.

Councilman Metzger: '01.

Roger Emmons: Thank you.

Councilman Metzger: And this would be Resolution of the County Council of Warrick County, Indiana authorizing a transfer from the County MVH Fund to the MVH Restricted Fund. And we're doing all this in one (1) motion?

Councilman Overton: Sounds like a plan.

Councilman Metzger: Sounds like a plan to me, yeah. And we've got a motion from Brad, is that correct?

Councilman Overton: Yes.

Councilman Metzger: And seconded from Dave? Or Rick? Seconded from Rick. All those in favor? Opposed? Motion passed five to zero (5-0).

Roger Emmons: Thank you.

Councilman Metzger: Thank you. Okay, now we're at 5D, Salary Ordinance Fund 1173.

Councilman Hachmeister: Excuse me, Cliff, does he have to read those aloud.

Cliff Whitehead: I think we typically do for the minutes, yes.

Councilman Metzger: Okay, let me read the amounts real quick here.

Vice President Ted Metzger read the following Line Items and amounts into the minutes:

Highway Reduction	1176.22320.000.0000	Bituminous	-$330,000.00
	1176.23100.000.0000	Stone, Gravel	-$230,000.00
	1176.11330.000.0000	Hazmat Upgrade	-$803.25
	1176.12200.000.0000	Laborer	-$73,382.50
	1176.12300.000.0000	Light Equipment	-$27,097.25
	1176.12400.000.0000	Truck Driver	-$103,589.00
	1176.12500.000.0000	Heavy Equipment	-$68,614.00
	1176.12600.000.0000	Carpenter	-$1,250.00
	1176.17100.000.0000	FICA	-$33,304.50
	1176.17200.000.0000	PERF	-$60,242.75
	1176.17400.000.0000	Unemployment	-$1,250.00
	1176.18220.000.0000	Overtime Pay	-$7,500.00
Total Reduction Highway			**- $937,033.25**

Highway Restricted	1173.22320.000.0000	Bituminous	$630,000.00
	1173.23100.000.0000	Stone, Gravel	$530,000.00
	1173.11330.000.0000	Hazmat Upgrade	$803.25
	1173.12200.000.0000	Laborer	$73,382.50
	1173.12300.000.0000	Light Equipment	$27,097.25
	1173.12400.000.0000	Truck Driver	$103,589.00
	1173.12500.000.0000	Heavy Equipment	$68,614.00
	1173.12600.000.0000	Carpenter	$1,250.00

	1173.17400.000.0000	Unemployment	$1,250.00
	1173.18220.000.0000	Overtime Pay	$7,500.00
Total Highway	**Restricted**		**$1,537,033.25**

Councilman Metzger: And that's what we've transferred.

Roger Emmons: Thank you, Mr. President. I will point out that for the difference between the, the amount that was reduced and the amount we're asking you to appropriate...

Councilman Metzger: In the Bituminous and Stone and Gravel?

Roger Emmons: Those are increased because Krystal said; I didn't get a chance to confer with Bobby and he didn't send any information regarding this. Krystal said she talked to him and he said he needs these additional amounts in those materials and the cash is in the Fund.

Councilman Metzger: Right. I believe that was to come up to the fifty percent (50%) level they requested. Sounds good to me. Thank you, Roger.

(Resolution 2019-01 is located on Page 18 of these Official Minutes)

SALARY ORDINANCE FUND 1173

Councilman Metzger: Okay, now we're moving on to 5D. Salary Ordinance Fund 1173. And I don't have a lot of information on this.

Krystal Powless: It's the, okay, there has to be a Salary Ordinance created in Fund 1173 in order to pay for those appropriations you just made to the workers, like the Light Equipment, Truck Drivers, etcetera.

Councilman Metzger: Right. So we're just voting on, to approve an Ordinance.

Krystal Powless: It's not for new employees; it's the same employees but they can get paid out of both Funds this way.

Councilman Metzger: Gotcha. Okay.

Councilwoman Ledbetter: Motion to approve.

Councilman Overton: Second.

Councilman Metzger: We have a motion to approve from Cindy. Seconded from Brad. And all those that approve? Opposed? Motion passed five, zero (5-0).

Roger Emmons: Thank you.

EDIT CONSTRUCTION
BELL ROAD – LOCAL PAVING

Councilman Metzger: And 5E, Additional Appropriation, EDIT Construction, Bell Road Project, six hundred and eighty thousand dollars ($680,000.00). Local Paving, two million dollars ($2,000,000.00).

Roger Emmons: These are; these are annual requests. The Bell Road Project is ongoing. We're still acquiring right-of-way. I'm sure once we get all the right-of-way acquired and cleared through INDOT. Then they'll put it out for bid; they'll let it for bid, and we'll get an invoice from, invoice that has to be paid immediately. So it's very likely once they get to that point that they'll come back for more.

Councilman Metzger: Right.

Roger Emmons: Cause right now, this is paying mainly for right-of-way and engineering costs. And then the two million ($2,000,000.00) is just for our annual paving for this year.

Councilman Hachmeister: Motion to approve.

Councilman Overton: Second.

Councilman Metzger: I have a motion from David and a seconded from Brad. All those approve? Disapprove? Motion carries five, zero (5-0).

Roger Emmons: Thank you very much.

Councilman Metzger: Thank you, Roger, appreciate it.

Commissioner Saylor: Thank you all.

Councilman Metzger: Thank you, Dan.

Councilman Overton: Have a good night.

AREA PLAN BUSINESS
PLANNER II

Councilman Metzger: Okay. Item 6A, Area Plan Business. This is a request to pay two (2) weeks' vacation to the Planner that left employment January 25th, per the Employee Handbook. We're pretty much bound to pay two (2) weeks' vacation. Do I have a motion?

Councilman Overton: Motion to approve.

Councilman Hachmeister: Read the amount.

Councilman Metzger: Oh, I'm sorry. Didn't I read the amount? That would have been one thousand one hundred forty-nine dollars, thirty-one cents ($1,149.31).

Councilman Hachmeister: Motion to approve.

Councilman Metzger: Okay, we have a first by Brad and second by David.

Councilman Hachmeister: Yeah.

Councilman Metzger: Those in favor? Opposed? Motion carried five, zero (5-0). Okay.

Councilman Overton: Krystal, which one (1) of those is right?

Krystal Powless: The one (1) with the cents. I, the State doesn't approve cents though. And that's why I rounded it up so there's enough to cover it. It's up to you guys, but they don't approve the cents.

SALARY ORDINANCE
PLANNER II

Councilman Metzger: Okay. Next up is 6B, Salary Ordinance again. Area Planning Commission, Planner II, for one thousand one hundred and fifty dollars ($1,150.00). Pretty much the same thing as above. They're asking to be paid what they're entitled per the Employee Handbook.

Councilman Overton: Motion to approve.

Councilman Metzger: A motion by Brad.

Councilwoman Ledbetter: I'll second that.

Councilman Metzger: Seconded by Cindy. Approve? Opposed? Five, 'o (5-0).

Councilman Reid: Are those people eligible to get that?

Councilman Metzger: Do what?

Councilman Reid: Are they eligible to get this?

Councilman Metzger: Yeah.

Krystal Powless: Yeah.

Councilman Metzger: Per the Employee Handbook.

Krystal Powless: Um hum.

Councilman Metzger: So our hands are pretty much tied in that situation.

AUDITOR BUSINESS
PLAT BOOK – PART TIME

Councilman Metzger: Okay, moving on to Auditor's Business, 7A, Additional Appropriation, Plat Book, Part-Time, eight thousand dollars ($8,000.00). And the Auditor is here to explain.

Auditor Stevens: Debbie Stevens, Warrick County Auditor. My request of the Council is from, is eight thousand dollars ($8,000.00) for Part-Time. It's from Plat Book, which is Fund 1181. The source of revenue for the Plat Book Fund is the five dollar ($5.00) transfer fees that we currently charge per legal description for every deed that comes through our office. We currently have, well, end of year we had a balance of a hundred thousand nine hundred seventy-six dollars ($100,976.00). And the revenue for 2018 was sixteen thousand seven hundred forty-five ($16,745.00). So I wanted to, we have a lot of work in that area. In fact, there were actually two (2) additional full time people in that department and in 2012, one (1) position was eliminated. In 2014, another full time position was eliminated from the Auditor's Office. We currently, with the two (2) full time employees that we have in the transfer deed area, we can manage the day to day work for the most part. We do okay. And, but as far as having any, any excess resources or capacity in their day to work on the project that we started last January; actually appropriated in 2017 to, for our department to preserve electronically all of our transfer books and all of our transfer cards up to the point where everything has been recorded electronically in our tax system. So this request is for part-time help. It would amount to forty-seven (47) weeks of part time help at two (2) days a week for the indexing, the work of indexing those electronic records. A lot of the indexing was, was able to be done by just, through the scanning process. Being able to read the parcel number and automatically populate that field. Even in the case of names, first and last, but they

way it was typed. It could have been handwritten. It could have been things like that that prevented, or just sketchy looking typing or something. But they were not able to automatically repopulate those fields. It's just to, I have no idea to even tell you how long this will take; how many records this person will be able to index during the hours that they will work on the project. My request is rather conservative. It's fifty percent (50%) of what we're currently; what we've took in in revenue in 2018. And we definitely want to manage a good balance in our Fund. But the good news is, is as we get our records preserved electronically, we will not be investing money in book covers and sleeves and sending books out to get restored because those books are preserved electronically.

Councilman Overton: And so once you have this project done, you wouldn't need this person to (inaudible).

Auditor Stevens: Right. I just don't know, you know, until we do it for a while, how many records can that person index in a day. But we certainly have a healthy Fund balance and eight thousand dollars ($8,000.00) is conservative. And until we really know...

Councilman Overton: Motion to approve.

Councilman Metzger: And this is temporary Part-Time work?

Auditor Stevens: Well, I don't know if it's temporary. For this particular project, yes.

Councilman Hachmeister: 'Til the money, 'til the money runs out.

Auditor Stevens: Pardon me, David? I'm sorry?

Councilman Hachmeister: 'Til the money runs out.

Auditor Stevens: Well, no, I think, I think we'll be okay with our Plat Book Fund with a ten thousand dollar ($10,000.00) reserve. We still have a little bit to pay towards our scanning project. But there's also legislation in the, in the house currently as we speak to increase our five dollar ($5.00) transfer fee from five ($5.00) to ten ($10.00), which is, you know, it's a fee that hasn't increased in many, many years. And...

Councilman Hachmeister: And I'll second.

Auditor Stevens: Okay.

Councilman Metzger: Okay. We have a first by Brad and a second by David.

Auditor Stevens: Thank you.

Councilman Metzger: Those in favor? Opposed? Motion passes five to zero (5-0).

Auditor Stevens: Okay, thank you very much. I appreciate your help.

Councilman Metzger: Thank you.

ADDITIONAL APPROPRIATION
PLAT BOOK – PART-TIME

Councilman Metzger: Okay, let's see. Auditor's Business, again? 7B?

Krystal Powless: It's the Salary Ordinance, or you can just say that the motion applied to both.

Councilman Overton: Yeah, I'll say the motion included the Salary Ordinance, if that's okay.

Councilman Metzger: That's okay with me if it's okay with everybody else? Okay. It passed, too, with that.

(February Appropriations are located on Page 19 of these Official Minutes).

COUNCIL BUSINESS
SHERIFF'S CONTRACT

Councilman Metzger: Okay, next item on the agenda, Council Business, Sheriff's Contract. The Council had an Executive Session to discuss the contract for the Sheriff. The Sheriff has submitted his request and is looking for approval so we can send it on to the Commissioners. So, I guess what I'm looking for here is a motion to pass the County Sheriff's Salary Contract as written.

Councilman Overton: I make a motion to approve the contract at the seventy percent (70%) that was requested by the Sheriff and with the additional monies for the, I don't know what the exact phrasing would be, but for the holiday pay associated with what they're requesting. So the seventy percent (70%) required, based upon the Ordinance that's assoc...tied to the Prosecutor's Salary and then the additional funds for holiday pay.

Councilman Metzger: Okay, we have a motion on the table to approve the contract...

Councilman Overton: I'm sorry, and that does include...

Councilman Reid: Longevity?

Councilman Overton: No, benefits. I don't know if that needs to be spelled out or not. But...

Councilman Metzger: But it does not include the longevity?

Councilman Overton: No. It does not include longevity.

Councilman Reid: And it doesn't include vacation either.

Councilman Metzger: Okay, then that's not how the contract is presented. So if you're...

Councilman Overton: Well, I wasn't; I wasn't presenting as the contract. I was presenting it as the seventy percent (70%) plus the holiday pay.

Councilman Metzger: Well, I'm looking for a motion now to accept the Warrick County Sheriff's Salary Contract as written and presented to us in the Executive Meeting on January 22nd. I'll ask...

Councilman Hachmeister: It really wasn't presented to us at that time. And all we did was get an email on it.

Councilman Metzger: Well, I was handed it.

Councilman Hachmeister: So it had been...

Councilman Metzger: I was handed it at the Executive Meeting. Was you, was anybody else handed...? Oh, okay. Well, anyway, the question in front of us, is the Warrick County Sheriff's Salary Contract as written. The second time I'll ask for a motion to accept the contract as written.

Councilman Reid: With longevity and vacation pay, right?

Councilman Metzger: Has longevity, vacation, and any other thing he can come up with as far as employee benefits. Okay, third time. Asking for a motion to pass the Sheriff's, the Warrick County Sheriff's Salary Contract as written. Okay, it fails to receive a motion. So this present contract is rejected by the Council. Having done that, it's up to us to come up with a co-proposal to the Sheriff. So, I need a motion to start discussing a co-proposal to the Sheriff's Salary Contract.

Cliff Whitehead: I think a motion's made.

Krystal Powless: Yeah, Brad.

Councilman Metzger: Brad made, okay. Do I have a second to discuss changes to the Sheriff's Contract?

Councilman Hachmeister: I'll second Brad's.

Councilman Metzger: Okay, first by Brad, seconded by...

Councilman Hachmeister: And it was seventy percent (70%) plus the holiday pay and then the benefits and nothing else, correct?

Councilman Overton: Correct. It also didn't include the longevity.

Councilman Metzger: Okay, I have a motion by Brad and a second by Dave and now it's time for discussion. Does anyone have any discussion on the proposal that's been introduced by Brad to go with the seventy percent (70%) that the State outlines that we should pay the Sheriff under conditions that we don't have a contract. Or...wait a minute. Let me ask; I'm gonna ask for clarification.

Cliff Whitehead: The way I understand the, the motion, correct me if I'm wrong, is it for a contract or is it...?

Councilman Overton: Correct, it's for the contract.

Cliff Whitehead: Okay, that's what I thought.

Councilman Overton: For the contract, and maybe I wasn't as eloquent as I normally am.

Cliff Whitehead: Yeah, so I think the motion to be discussed and has now been seconded is seventy percent (70%) of the Prosecutor's pay.

Councilman Overton: Correct.

Cliff Whitehead: Plus holiday pay, plus the benefits which include medical, retirement, disability.

Councilman Overton: Yes, that's correct. Thank you. That sounded a lot better than what I said.

Councilwoman Ledbetter: Sheriff, do you not want to speak to this matter? Do you have anything you'd like to share or add?

Sheriff Wilder: (Inaudible). Obviously, I proposed my contract and you guys didn't take it. That contract there would be about what the previous Sheriff had. So.

Councilwoman Ledbetter: What were you making prior to becoming Sheriff?

Sheriff Wilder: Chief Deputy pay. I don't have the exact figure. If Krystal could look, I'm gonna say, it's gonna be real close, but real close, like sixty-two-five ($62,500.00) maybe?

Councilwoman Ledbetter: And what are you earning now?

Councilwoman Ledbetter: With your current contract?

Sheriff Wilder: Working under ninety-nine-two ($99,200.00), I think.

Krystal Powless: I think it's ninety-nine-two ($99,200.00).

Councilwoman Ledbetter: And where will this take him?

Sheriff Wilder: One-'o-three ($103,000.00) something.

Krystal Powless: One-'o-three (103), hang on a second.

Councilman Reid: Plus vacation.

Krystal Powless: One-'o-three-'o-fourteen ($103,014.00).

Sheriff Wilder: There's no vacation. I don't know where that came up. There's no vacation.

Councilwoman Ledbetter: It's holidays, right?

Unknown: Holidays.

Sheriff Wilder: It's holiday pay.

Krystal Powless: One-'o-three-fourteen ($103,014.00) plus holiday pay.

Councilwoman Ledbetter: Okay.

Councilman Reid: How much is the holiday pay?

Councilman Hachmeister: Well, it's debatable.

Krystal Powless: It is debatable.

Councilman Hachmeister: Krystal's got the minimum and maximum figures that she worked on today.

Councilman Reid: It's fifteen (15) holidays, right?

Krystal Powless: Yes. And then, okay, so roughly, the minimum is, it's between seven and twelve...it's between seven and twelve thousand ($7,000.00-$12,000.00).

Councilman Metzger: Okay, now did your motion include the longevity? Or did you say, not?

Councilman Overton: No, I specifically called out the longevity, but I included the holiday pay.

Councilman Metzger: Holiday pay. And, Cliff, the difference between Indiana Code Section 36-2-13-2-5 and 36-2-13-2.8, is there a difference here? Cause one (1) specifically says with a contract and, one says a contract, and the other says it needs to be seventy percent (70%) of the Prosecutor's Salary.

Cliff Whitehead: Yeah, so if you do not have a contract it must be seventy percent (70%) of the Prosecutor's salary as far as the total compensation. I don't know the effect of whatever contract the Sheriff's Department has with the Merit Board or their Employee Handbook would be as far as the elected Sheriff receiving other benefits, longevity...

Krystal Powless: Holiday pay.

Cliff Whitehead: Holiday pay, yeah, I'd have to look at that contract, and I don't have that.

Councilman Metzger: So, if we are in...

Sheriff Wilder: (Inaudible) contract too, I believe the Tax Warrant money goes to the Sheriff also.

Cliff Whitehead: Yeah, so that would be included, the minimum would be seventy percent (70%) and so if the ten percent (10%) of the Tax Warrant Fees take you above seventy percent (70%) up to a maximum of the Prosecutor's salary, which I think is a hundred and fifty ($150,000.00).

Krystal Powless: A hundred and forty-nine ($149,000.00).

Cliff Whitehead: A hundred and forty-nine. ($149,000.00). Then it obviously could be if you don't have a contract, his pay could be more. Could be all the way up to a hundred and fifty ($150,000.00) depending on the Tax Warrants.

Councilman Metzger: Right.

Sheriff Wilder: And I don't mind sharing with you what the last three (3) year Tax Warrant would be. Over the last three (3) years it would have been right at, I think I'd given it at one (1) time is ten thousand dollars ($10,000.00).

Councilman Metzger: Ten, eleven thousand dollars ($10,000.00, $11,000.00).

Sheriff Wilder: One (1) year it was seven ($7,000.00), one (1) year was twelve ($12,000.00), one (1) year was nine ($9,000.00). So the average came out to like ten ($10,000.00) over that.

Councilman Metzger: Right.

Sheriff Wilder: I, the reason I didn't, you can do wherever you want. I might be better off not asking for a contract, beneficial money wise. It's just, to me, I don't, I guess me and the Auditor can get together on pay. I've never done that. The Sheriff didn't previously, the Tax Warrant.

Councilman Metzger: It makes it a lot easier.

Sheriff Wilder: I think it does.

Councilman Metzger: For both parties.

Sheriff Wilder: But you're the Council, so, I mean, to me...

Councilman Hachmeister: And you'll accept this?

Sheriff Wilder: Well, I'd want my, I don't want to put it on record without my attorney seeing it. But I would be, seventy percent (70%), holiday pay, I think as long as everything's the way I hear it, I mean, yes.

Councilman Hachmeister: Um hum.

Sheriff Wilder: As long as my attorney sees it and agrees with it.

Councilwoman Ledbetter: I mean I understand how important the Sheriff is and we really need you for our County, but then I also feel an obligation to the tax payers. It's a struggle.

Sheriff Wilder: I get that. But, that, I feel confident that I'm not, I'm not asking for anything that my employees don't, you want to talk about the money, the State Legislatures have spelled that out. Because in the past, people didn't want to pay the Sheriff money. They see it, whatever. That's why legislation was, passed a Statute to help explain that.

Councilwoman Ledbetter: Well, in 2010, the Sheriff was actually earning more than the Prosecutor so they put the seventy percent (70%) rule in there.

Sheriff Wilder: Well, and some were making less.

Councilwoman Ledbetter: Yeah.

Sheriff Wilder: I mean, you've got to, I'm not one (1) to argue that. You could go back, cause the Sheriff back in 2004 here in this County, if I think it was right, Bruce Hargrave, were going to make more than any of us current Sheriff's because of the meal money. There's just so many ways a Sheriff can be paid. The contract is just trying to help both of us spend it out.

Councilwoman Ledbetter: I'm thankful that we have you, I just, I feel an obligation to the tax payers.

Sheriff Wilder: And I get that, you know, I feel like I'm, I as an Elected Official too, I could have came here, I want ninety ($90,000.00), you know, there's things I could have, other Sheriff's, I feel like, when I said it to you guys, and I'll say here on record. I feel that what I'm asking for is fair.

Councilman Overton: Cliff, if I'm not mistaken, is it also not possible if the Sheriff, this wasn't accepted, he could end up, if there was no contract, could he not possibly get the longevity...?

Councilman Hachmeister: Let's not bring that up.

Councilman Overton: Well, I'm just saying, I, mean, well he could have. I mean he could have got longevity and the holiday pay and the Tax Warrants, all three (3) items. Was I correct in reading your emails?

Cliff Whitehead: Yeah, yes, that's possible.

Sheriff Wilder: I'm aware of that. You know, and that would take me to a very high amount. So we'll talk about what's doing right; I feel like I'm doing what's right for the people. If I took the other avenue, it's my understanding, I'd get the tax money and my longevity and my holiday pay.

Councilman Overton: Yeah, and I, and I personally think this would be better off. I wouldn't want to have to end up getting into some legal squabble if we ended up having to, or however that might work out.

Sheriff Wilder: And somebody may look, if they were out here in the crowd, why is he not doing that?

Councilman Overton: We have enough things with lawsuits and everything else. So that why I would definitely support this. Mike could have come up and asked for, I feel like he gave us options there. You know, and there was a little bit of negotiation too. I mean the longevity or that so we opted for the holiday pay.

Councilwoman Ledbetter: And I appreciate you working with us.

Sheriff Wilder: Well, we had this discussion, I think you guys were all on board. We're really close to me being eighty percent (80%) by law.

Councilwoman Ledbetter: Um hum.

Councilman Metzger: Right.

Sheriff Wilder: And if I agree to a four (4) year, I'm kind of, well, actually that may not be true. I don't know. But by me accepting seventy (70%), we can say, how about seventy-five (75%). We're real close. We're right on the cusp. I

advantage of the tax payers either. I do feel like I'm just a certain pay, like is the Prosecutor. I understand I make a lot more than I did as Chief. My liability and responsibility just went a lot higher. So...

Councilwoman Ledbetter: Well, sure. When I hear someone like him (Brad) mention litigation, I become concerned for the County as a whole.

Sheriff Wilder: (Inaudible).

Cliff Whitehead: The only other aspect of your motion, the length of the contract.

Councilman Overton: Yeah, I was just thinking about that. And I would think that I would make that a two (2) year contract is what I would say.

Cliff Whitehead: You know, it's completely whatever you want to do, a two (2) year contract. We'll know the census then on that. So, but it's completely up to you.

Councilman Metzger: What about that two (2) years?

Sheriff Wilder: I would be okay with the two (2) years.

Councilman Metzger: We're probably going to have to go up another ten percent (10%) in 2020. So that is a caveat that wasn't mentioned. Okay, I have a motion on the table and a second to send a new contract to the Sheriff which included the seventy percent of what the current Prosecutor makes which would be about a hundred and six thousand five hundred dollars ($106,500.00).

Krystal Powless: Um, that's not quite right.

Sheriff Wilder: I think it's a hundred and three ($103,000.00).

Councilman Hachmeister: Hundred and three ($103,000.00).

Krystal Powless: One-'o-three-'o-fourteen-eighty ($103,014.80).

Sheriff Wilder: But I don't know that you need to put the dollar amount, cause it's a percentage.

Krystal Powless: But I don't, yeah.

Sheriff Wilder: But just to make it easier (inaudible).

Several Speaking at Once.

Councilman Metzger: Okay. And also include holiday pay and make it a two (2) year contract, was that correct?

Councilman Overton: That's correct.

Councilman Metzger: All those in favor?

Councilman Reid: One (1) question.

Councilman Metzger: Oh.

Councilman Reid: Should we ask, state in there, no longevity and no warrants?

Cliff Whitehead: Um, yeah, we can do either way. I mean if it's...

Councilman Hachmeister: You're going to write the contract?

Cliff Whitehead: Yeah, so logistically how I'll do this is the contract will actually come back probably to this Council just so we can approve it. Cause you'll have to sign it as well. And then it will go to the Commissioners. So I'll try to work with Sheriff Wilder's attorney at the same time as the County Attorney so we only have to do this one (1) more time and we're done. That's the plan.

Councilman Metzger: Right.

Sheriff Wilder: And I can help you. I have the template so you don't have to recreate the legal (inaudible).

Cliff Whitehead: Yeah.

Councilman Metzger: Well, he's heard what the offer is, would you just send it to him and if he signs it, then he returned it, we'd deem it accepted and be done with it at that point?

Cliff Whitehead: It would then have to go to the Commissioners.

Councilman Metzger: Go to the Commissioners. Okay. But that would be the quickest way to do it. Him to approve it and send it back to us.

Cliff Whitehead: Um hum.

Councilman Metzger: Okay. We're still on the same page. I have a motion and seconded on rewriting the contract. All those in favor? Opposed? Motion passed five to zero (5-0).

Sheriff Wilder: Thank you all.

Councilwoman Ledbetter: Thank you, Sheriff.

Councilman Metzger: Look for a contract in the mailbox.

Krystal Powless: And 8B, it's kind of premature to be on here. It'll be on next month cause we'll have to adjust that Salary Ordinance.

Councilman Metzger: Okay.

Sheriff Wilder: Thank you.

Councilman Metzger: Thank you.

COUNCIL BUSINESS
ATTORNEY CONTRACT

Councilman Metzger: Okay, last item, or close to the last item for the evening, Item 8C, Contract with our County, for our Council Attorney. We've had time to look over Cliff's contract. I'm looking for a motion to accept his contract as presented to the Council.

Councilman Overton: Motion.

Councilman Metzger: Motion made by Brad.

Councilwoman Ledbetter: I...

Councilman Hachmeister: Second.

Councilman Metzger: Seconded by Dave. All those in favor? Opposed? Motion passes five, zero (5-0).

Cliff Whitehead: Thank you.

(2019 Attorney Contract for Cliff Whitehead is located on Page 20 of these Official Minutes)

COUNTY SURVEYOR BUSINESS
TRANSFER FOR BID WORK ON LITTLE PIGEON CREEK

Councilman Metzger: Quite welcome. Okay. Do we have any Council Business? Anyone on the Council want to bring anything up? Anybody from the audience?

Krystal Powless: Phil Baxter.

Councilman Metzger: Phil Baxter. I have a late entry here on the agenda. Phil Baxter. Hello, Phil. How are you doing?

Surveyor Baxter: Good. Good.

Councilman Metzger: Good.

Surveyor Baxter: Phil Baxter, Warrick County Surveyor. I'm here to ask that some money be transferred from Cum Drain to Contractual Services. I'd like to have at least sixty thousand ($60,000.00) if not more.

Councilman Metzger: Okay, and we would be doing this because...?

Krystal Powless: Let me explain real quick, okay?

Councilman Metzger: Okay.

Krystal Powless: So, Phil called me and he basically said, there was no money put in my Contractual Services Line. And I said, no. And I looked up the minutes from the budget hearing and he, and it was stated that there wasn't money being spent out of that line item and you zeroed it out and said that he would have to come to you and request for you guys to appropriate money into the line item when he had a project. Okay? So...

Councilman Metzger: So, you have a project.

Krystal Powless: So, here's the problem. The problem, I have it on the agenda for the next month, right?

Councilman Metzger: Okay.

Krystal Powless: And he has already bid out a project. So he might need to make some payments before that appropriation comes in.

Councilman Hachmeister: You bid it out, or you let it out?

Krystal Powless: No, it's an additional. He said transfer. It's an additional.

Surveyor Baxter: It's been bid. I didn't know anything about this 'til Friday. We hadn't been in the office for two (2) months. Too much business.

Councilman Hachmeister: But you'll know how much...

Krystal Powless: Debbie was looking at me like...

Councilman Hachmeister: The total's going to be.

Krystal Powless: You can't approve anything tonight.

Surveyor Baxter: What I need right now?

Councilman Hachmeister: Well, yeah, and what the total's gonna be. You can give us that.

Surveyor Baxter: The total for the project?

Councilman Hachmeister: Yeah.

Surveyor Baxter: Sixty-five hundred ($6,500.00) transferred.

Krystal Powless: What are you transferring from? Okay, see, he doesn't have a place to transfer from. But the reason I, the reason he's here is to basically let Debbie know that he may have to start spending out of that line item even though you guys will probably put money into it in March. Cause I don't know how that's going to work out. He's going to start making payments and there's no money in the line item.

Councilman Metzger: Hmm. So you are trying to get the drift if we are going to appropriate you this sixty-five hundred dollars ($6,500.00) next month.

Cliff Whitehead: And just so I understand. Is there a contract in place right now that requires you to pay that?

Surveyor Baxter: There is an agreement.

Cliff Whitehead: An agreement, a written agreement?

Surveyor Baxter: Upon completion.

Cliff Whitehead: Upon completion?

Surveyor Baxter: Yes.

Cliff Whitehead: Can we delay completion until...?

Surveyor Baxter: Well, it's delayed now because of the water. It's a problem we've had the last three (3) months. We couldn't even bid work because the river's been up that much.

Krystal Powless: So do you think that the completion won't take place until after March's meeting?

Cliff Whitehead: That's what I'm...

Krystal Powless: Cause if that's the case...

Surveyor Baxter: Supposedly, it's supposed to start the 15th. But I don't know that.

Krystal Powless: The 15th?

Surveyor Baxter: Of this month.

Krystal Powless: Of February?

Surveyor Baxter: Yes. A week from Friday.

Krystal Powless: About how long is it supposed to take?

Surveyor Baxter: Three (3) or four (4) days.

Councilman Hachmeister: What have we got? A beaver dam or what?

Surveyor Baxter: Log jam.

Councilman Hachmeister: Okay.

Surveyor Baxter: Little Pigeon.

Auditor Stevens: Excuse me, Phil, Debbie Stevens, Warrick County Auditor. Only the Commissioners can contractually bind the County to, to a contract. And so then my question is, has this gone through the Commissions to sign the contract?

Surveyor Baxter: It's gone through Drainage Board.

Auditor Stevens: Oh, the Drainage Board. But contracts are different. I mean it's still the Commissioners...

Surveyor Baxter: It's an agreement. It's not exactly a contract. It's just an agreement.

Auditor Stevens: So we're not really contractually bound to this project, to start it by the 15th. If you had to delay...

Surveyor Baxter: Well...

Auditor Stevens: That's all I'm saying. I'm looking for an out for you, if you had to say, we're going to push it back.

Surveyor Baxter: I wouldn't do it. I'd write a check for it myself, because I'm not going to make him wait two (2) months.

Auditor Stevens: I'm sorry. I'm just trying to help you out.

Surveyor Baxter: I (inaudible). I appreciate that.

Councilman Metzger: So are you saying this is an emergency?

Surveyor Baxter: Well, yes, it's an emergency.

Councilman Metzger: Okay.

Surveyor Baxter: It's a mutual agreement with Warrick County and Spencer County. It's Little Pigeon Creek.

Krystal Powless: Okay, I have a, I have a thought. What if, if he does get any claims that come in where he needs to start making payments before the March meeting, we pay that out of our budget out of the other services line?

Councilman Reid: Sounds like from Debbie, she acted like it should go through the Commissioners.

Surveyor Baxter: Sir?

Councilman Reid: She said, Debbie said it, a contract like that would go through the Commissioners, decision.

Councilwoman Ledbetter: I'm confused. Why can't we appropriate the money, because we don't have the...?

Krystal Powless: Because it hasn't been advertised.

Cliff Whitehead: Advertised.

Councilwoman Ledbetter: Advertised. (Inaudible).

Councilman Metzger: Yeah.

Krystal Powless: I just thought if we paid, he did have a few, we could pay for it a little bit out of our budget up until that March meeting where it was appropriated.

Cliff Whitehead: So I'm probably beating a dead horse. But is there a written contract that said we must pay on the, I'm just trying to understand the liability of the County. Is there a written contract that says we must pay upon completion?

Surveyor Baxter: No.

Cliff Whitehead: Okay.

Surveyor Baxter: It's an agreement that went through the Drainage Board. It was voted on and we accepted their bid.

Cliff Whitehead: Okay.

Surveyor Baxter: The Drainage Board consists of the three (3) Commissioners.

Cliff Whitehead: Yeah, I'm just trying think if we don't, if we don't pay upon completion, then what exposure does the County have. That's what I'm trying to get at.

Surveyor Baxter: I'm not an attorney. I can't answer that.

Cliff Whitehead: Yeah, and that's what, if there's not a contract, then, you know, it's ambiguous to say the least. It's hard. If there's a contract that says you must, then attorney's fees, interest, it becomes an issue. Yeah. I don't know what that agreement was and if they were told they would be paid upon completion and there was a reasonable expectation. Then there could be exposure, but I'm kind of talking. I don't know. I don't know what happened.

Councilwoman Ledbetter: Commissioner? Do you know if we have a contract?

Councilman Metzger: If the Commissioners have already approved it, maybe they should start paying out of their budget.

Commissioner Saylor: Dan Saylor, President, Board of Commissioners. Is this the project that we, that Joe, did he bid it out? Is this the contract? You guys bid it? Okay. So it was bid. The bids were opened up in our meeting and so we voted on, to do the work, to get the work done. So, you know, we didn't, I mean it's not, you know, we didn't look at it and say, is there money there? We assumed that you know there's money in his budget to do the work. So that, I think it was a bid that was awarded to a contractor to do the work.

Councilman Reid: There's no contract?

Commissioner Saylor: I don't remember signing a contract, Rick, to do that work. I think it was just a bid that was awarded. So I don't know, so he hadn't started yet, right? And will he be able to start, you know, the work? We don't

Councilwoman Ledbetter: Not with all the rain right now.

Councilman Overton: So more than likely an oral agreement then.

Surveyor Baxter: What's that?

Councilman Overton: Sounds like this was an oral agreement.

Councilman Metzger: Yeah.

Councilman Overton: I vaguely remember that conversation during the budget cause we didn't see where any project had been done the prior year. So that's why we didn't allocate any money in there. And I don't, I don't remember. Do you remember, Phil, was he was at the...?

Krystal Powless: I don't think he was. I don't think he was there.

Councilman Overton: I don't think you were at the budget meetings.

Councilman Hachmeister: I thought we reduced it. I didn't think we cut it out.

Krystal Powless: We cut it, we cut it, yeah.

Surveyor Baxter: I was at the Budget Hearing.

Councilman Overton: Were you there? Okay, I can't...

Surveyor Baxter: (Inaudible) about five thousand (5,000) feet on (inaudible) ditch.

Councilman Overton: I'm trying to remember stuff from four (4) months ago.

Surveyor Baxter: We didn't use our money. We did it with the cooperation of the Commissioners, Highway Department, Storm Water (inaudible).

Councilman Overton: So, that's why there was no money that, we saw any money going out.

Surveyor Baxter: It would have been over sixty thousand dollars ($60,000.00). We couldn't do it on our own. They graciously helped us. And we spent some of that money, the sixty thousand ($60,000.00) (inaudible) cover some of it.

Krystal Powless: After the budget session.

Councilman Overton: So it would have been after (inaudible).

Councilman Metzger: Well, we can't appropriate the sixty-five hundred dollars ($6,500.00) so we need to come to a decision if we can pay it out of the two (2) budgets maybe. I don't really see any recourse. If you're trying to keep your word and get these guys paid on time.

Surveyor Baxter: Well, I'll contact them and see if they can hold off.

Councilman Metzger: Can we hold off? On the one (1) hand you say it's an emergency, usually...

Surveyor Baxter: Well, it is. But it's an emergency if we can't pay them too.

Councilman Metzger: That's true too. So...

Surveyor Baxter: I'm not...

Councilman Overton: I mean if the full amount's not going to come due, we could possibly, as Krystal suggested, we could, I don't know, we could pay it out of our fund on an interim basis and then pay ourselves back.

Krystal Powless: Up until...

Councilman Overton: I don't know if the full claim is gonna come due before then, or then maybe nothing comes out. I mean I know this is kind of a, off the normal beaten path. But I can't really honestly remember us doing too many things like this. So it's not like we're setting a bizarre precedence for something we've done twenty (20) times in a row. So, sometimes you do have to make exceptions and you know...

Councilman Metzger: Does that put our budget in any kind of jeopardy?

Krystal Powless: No.

Councilman Metzger: Okay.

Councilman Reid: I think the Drainage Board should be paying that. Sounds like that's more a Drainage Board issue. They've got a lot of money in their accounts over there.

Krystal Powless: That's...

Surveyor Baxter: That's...

Krystal Powless: That's where we were going to appropriate it from in March. It's just that we can't...

Councilman Reid: But we don't have a contract. If we have a contract, we might be able to do something like that. That's the whole issue is the contract appropriation.

Cliff Whitehead: And we may end up doing that. We just have to; we haven't advertised this appropriation.

Councilman Reid: When you appropriate something, you have to have a contract with it too. So right now...

Councilman Metzger: Well, if you could slightly delay the project. That would help. And then anything after that, any bills that come in, let's go ahead...

Krystal Powless: Send them to me?

Councilman Metzger: Send them to Krystal and...

Councilwoman Ledbetter: Do we have to make a motion for that?

Councilman Metzger: We'll get reimbursed.

Krystal Powless: You probably should make a motion for that.

Councilwoman Ledbetter: I make a motion to pay it out of the Council Fund.

Several Speaking at Once.

Councilwoman Ledbetter: I make a motion to pay it out of the Council Fund.

Councilman Overton: Second.

Councilman Metzger: Okay, motion made by Cindy. Seconded by Brad. Those in favor, say aye. Or, Opposed? Okay.

Krystal Powless: What was that? I didn't see.

Councilman Metzger: Three to two (3-2 with David Hachmeister and Rick Reid opposing).

Krystal Powless: Okay.

Cliff Whitehead: So it doesn't...

Councilman Metzger: So it doesn't pass.

Cliff Whitehead: The two (2) were David and...

Councilman Metzger: And...

Cliff Whitehead: Rick.

Councilman Metzger: Right.

Krystal Powless: Okay, so that tells me that we're going to wait until the appropriation comes into the March meeting. So you would have to delay the work until then.

Councilwoman Ledbetter: Sorry.

Councilman Metzger: Sorry, Phil.

UPDATE ON THE COURTHOUSE AND SIDEWALK RENOVATION PROJECTS

Commissioner Saylor: Mr. President, while I'm up here, do you, does the Council have any questions about the renovation project while I'm here and how it's going on the Courthouse?

Councilman Metzger: Well, how is it going? Is it going well?

Councilman Reid: It looks good. (Inaudible).

Commissioner Saylor: Yes and no. Weather. Weather is obviously been an issue. So it's, we're getting windows, windows in. The circle tops have been delivered to the contractor and so those will be the next windows to be put in place. There, so they're a little bit behind. The windows, we had a come to Jesus meeting with the window contractor. Because they really put us behind. So, and so we got some things lined out there. But we've been, the Commissioners have been involved in this every day. We continually have a meeting once a week. Every Thursday at 1:00 (PM). Which anybody's, all you all are more than welcome to come, come for. But we have, we have followed our contingency budget a little bit. We've identified things that will be taken out of contingency. We have, there's been some things that were kind of in ambiguous on the scope of work that we've had issues where we had to work though. They have, anytime you do a remodel of an old building like this, you come, you come across things that are not anticipated and not planned. And they absorbed a lot of those costs. Well into the six (6) figures.

Councilman Metzger: Wow.

Commissioner Saylor: So it's, this Energy Savings Contract was good because we, we, there is no change orders. You know, you guys had the ability to go through and look and, and so you knew it was there. Now, there is some

now we have to have a door made. You can't go out and buy these doors just anywhere. It's a, those kind of things. But overall, it's, the heating system is almost all up in place and so we're coming in to about the fourth quarter on this project. So now weather permitting, so, you know, and then we'll get to the yard and stuff. But I know it's been a mess.

Councilman Reid: You going to get the parking done soon?

Commissioner Saylor: Pardon me?

Councilman Reid: The parking, are you going to get it done soon on this side?

Commissioner Saylor: Uh, yeah. They are currently putting the wall in. And that's kind of a, that's kind of an agreement with Boonville City that the contract, contractor. So they're working on the south wall. They're getting ready to turn and go on the east wall. They're going to go southeast, then the north, and then do the west last. And so they're, they're taking some space out there. I don't know that you guys have seen that wall, but it's a stamped wall. I think once it's done it'll be, it'll be really nice.

Councilman Overton: I, just looking around, are those carbon monoxide detectors? Or, there's those and the bigger things. I was just...

Commissioner Saylor: Those right there are occupancy sensors.

Councilman Overton: Oh, so they just turn the lights off.

Commissioner Saylor: When you walk in, this, so you can leave the switches on, and after I think twenty (20) minutes, the lights go out. And so...

Councilman Overton: So what's the other thing then?

Commissioner Saylor: Right here?

Councilman Overton: Is that a speaker?

Commissioner Saylor: Speaker. So just to give you an example, since you brought that up, Brad. The speaker, and I won't keep you. That was not in the scope of their work to replace the speakers. You know how much these speakers cost? Well over a thousand dollars ($1,000.00) and they replaced them. Didn't cost the taxpayers a dime. So that's, that's one (1) of the nice things about, about this agreement. But you'll notice the tile in here, I was not real happy with the plain tile. But they'd already ordered it. And so I had this, they was able to make a, some, a change order without charging us. We, we got this upgrade. This is upgraded tile, this is an upgrade tile cause it's a public building, or I mean a public room. So we, we went with the different tile throughout all the offices and stuff. We got this at, you know, there's a lot of things, I'll present you will the whole list that we've got that we've not been charged for. So, we enjoy negotiating with them. So anyway.

Councilman Metzger: Excellent. One (1) more thing. The blinds, was that an oversite? Or you work on those as a package now? Or is each department responsible?

Commissioner Saylor: No, that's a, that's a sore subject. Okay, let me tell you how that happen. We, we looked at windows and we, we got tinted windows and so we were told that we didn't need blinds. Okay? We were told; we were lead to believe we didn't need blinds. Well, but we also, there were three (3) tints. We went with the, not the darkest one (1). There was one (1) more almost kind of like a limousine tint and so they said that would actually look bronze from the outside. So we didn't want a bronze looking building versus our JC has aftermarket tent on it that it's kind of dark in nature. Or a black color.

Councilman Metzger: Right.

Commissioner Saylor: So, you know we get the new windows put in so now we got a sun issue. So, and that's been contentious to say the least with them. And so we have, they're probably doing some things now for us that they, they were not going to do in the first place. So we're trying to get some mileage out of that. You know, our contingency was probably about a third of what it should be on a seven...seven million dollars ($7,000,000.00) project. So, we're going to take some of that out, out of contingency to pay for the blinds. So.

Councilman Metzger: Okay.

Commissioner Saylor: So, it's, you know, but bottom line is we need blinds.

Councilman Metzger: Right. Just to block the sun.

Commissioner Saylor: Yeah.

Councilman Reid: You have security cameras too in here?

Commissioner Saylor: That, that's not part of the scope of the work, Rick, but that's something that, one (1) thing that I promised the previous Council was that we weren't going to go over budget and we were going to return some contingency money. I don't know how much I'm going to return. But if it's five dollars ($5.00), that will be my word. But we, we, if, if we're putting, we're wiring doors for security, Rick, since we're already wiring, we're paying that out of contingency. We want to put proximity cards, you know, so we can lock these doors down if we need to. That kind of thing. But we believe we need security cameras for liability will help us, somebody slips and falls, we can go back to review that as we've done with the JC. So you know, whatever we do, I made this promise to the previous Council. And I make the promise that whatever we do, we're going to do it right. If we don't have the money to do it, but we're not going to do it halfway. Because we have a perfect example across the street where things were done halfway and cut back and we're paying for it now.

Councilman Overton: Do you think we'll be able to get smaller paperweights than these?

Commissioner Saylor: No, those, those…

Councilman Overton: Those are kind of big paperweights.

Commissioner Saylor: That's a historical feature that we've…

Councilman Metzger: Can't touch them.

Councilman Overton: I thought they were like an antique.

Councilman Metzger: Well, thank you for the update. We appreciate it. Okay, is there any other business? Motion to adjourn.

Councilman Reid: Second.

Councilman Metzger: We're adjourned.

ADJOURNMENT: Meeting adjourned at 6:58 PM.

WARRICK COUNTY COUNCIL

(not present)
Greg Richmond, President

Ted Metzger, Vice President

(Not Present)
Charlie Christmas

David Hachmeister

Cindy Ledbetter

Brad Overton

Richard Reid

ATTEST:
Deborah K. Stevens, Auditor
Warrick County, IN

Minutes transcribed by Kristine Georges

WARRICK COUNTY COUNCIL RESOLUTION NO. 2019 - 01

RESOLUTION OF THE COUNTY COUNCIL OF WARRICK COUNTY, INDIANA, AUTHORIZING A TRANSFER FROM THE COUNTY'S MVH FUND TO THE MVH RESTRICTED FUND

WHEREAS, the County Council ("Council") of Warrick County, Indiana ("County") has long maintained its Motor Vehicle Highway Fund (the "MVH Fund"), pursuant to I.C. ch. 8-14-1; and

WHEREAS, pursuant to changes to Indiana Code chapters 8-14-1 and 8-17-4.1, the Council created a Motor Vehicle Highway Restricted Fund (the "MVH Restricted Fund"); and

WHEREAS, the Council has determined that it will be of public utility and benefit to transfer a portion of the County's MVH Fund to the MVH Restricted Fund and the Council now desires to do so as set forth herein; and

NOW, THEREFORE BE IT RESOLVED by the Council, as follows:

Section 1. The Council finds and determines that the transfer of $500,000.00 from the MVH Fund to the MVH Restricted Fund is permitted under Indiana law.

Section 2. Because of the statutory changes and findings in Section 1, *supra*, the County Treasurer is hereby directed to transfer $500,000.00 from the MVH Fund to the MVH Restricted Fund.

Section 3. The President of the Council, County Treasurer, and County Auditor are hereby authorized to take all such actions and to execute all such instruments as are desirable to carry out the transactions contemplated by this Resolution, in such forms as such officer or member executing the same shall deem proper, to be conclusively evidenced by the execution thereof, and any and all actions previously taken, or documents previously executed, in connection with the transactions contemplated by this resolution are hereby ratified and approved.

PASSED this 7th day of February, 2019.

Warrick County Council

(Not present)
Greg Richmond, D.D.S., President

Ted Metzger, Vice President

(Not present)
Charles R. Christmas

David Hachmeister

Cindy Ledbetter

Brad Overton

Richard Reid

ATTEST:
Deborah K. Stevens, Auditor
Warrick County, Indiana

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

FUND	APPROPRIATION NUMBER APPROPRIATION #	DESCRIPTION DESCRIPTION	AMOUNT REQUESTED AMOUNT	AMOUNT REQUIRED\
Local Health Maintenance	1168.36400.000.0000	Equipment	$2,529.98	2,529.98
Total Health Maintenance			$2,529.98	
(3) **Economic Development**	1112.11105.000.0000	Director	$3,700.00	3,700
Total Economic Development			$3,700.00	
Commissioner	1000.31400.000.0068	Legal Services	$29,535.60	REMOVED
Total Commissioner			$29,535.60	
Plat Book	1181.11420.000.0000	Part Time	$8,000.00	8,000
Total Platt Book			$8,000.00	
Highway Reduction	1176.22320.000.0000	Bituminous	-$330,000.00	-330,000
	1176.23100.000.0000	Stone, Grave	-$230,000.00	-230,000
	1176.11330.000.0000	Hazmant Upgrade	-$803.25	-803.25
	1176.12200.000.0000	Laborer	-$73,382.50	-73,382.50
	1176.12300.000.0000	Light Equipment	-$27,097.25	-27,097.25
	1176.12400.000.0000	Truck Driver	-$103,589.00	-103,589.00
	1176.12500.000.0000	Hvy. Equipment	-$68,614.00	-68,614.00
	1176.12600.000.0000	Carpenter	-$1,250.00	-1,250.00
	1176.17100.000.0000	FICA	-$33,304.50	-33,304.50
	1176.17200.000.0000	PERF	-$60,242.75	-60,242.75
	1176.17400.000.0000	Unemployment	-$1,250.00	-7,500.00
	1176.18220.000.0000	Overtime Pay	-$7,500.00	
Total Reduction Highway			- $937,033.25	-937,033.25
Highway Restricted	1173.22320.000.0000	Bituminous	$630,000.00	630,000
	1173.23100.000.0000	Stone, Gravel	$530,000.00	530,000
	1173.11330.000.0000	Hazmant Upgrade	$803.25	803.25
	1173.12200.000.0000	Laborer	$73,382.50	73,382.50
	1173.12300.000.0000	Light Equipment	$27,097.25	27,097.25
	1173.12400.000.0000	Truck Driver	$103,589.00	68,614.00
	1173.12500.000.0000	Hvy. Equipment	$68,614.00	1,250
	1173.12600.000.0000	Carpenter	$1,250.00	33,304.50
	1173.17100.000.0000	FICA	$33,304.50	60,242.75
	1173.17200.000.0000	PERF	$60,242.75	1,250.00
	1173.17400.000.0000	Unemployment	$1,250.00	7,500.00
	1173.18220.000.0000	Overtime Pay	$7,500.00	
Total Highway Restricted			$1,537,033.25	
Edit Construction	4903.61123.000.0000	Bell Road	$680,000.00	680,000.00
	4903.63016.000.0000	Local Pav.	$2,000,000.00	2,000,000.00
Total Edit Construction			$2,680,000.00	2,680,000.00
Area Plan Commission	1000.11561.000.0079	Planner II	$1,150.00	1,150.00
Total Area Plan Commission			$1,150.00	

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

Adopted this 7 day of Feb., 2019.

	NAY
[signature]	
[signature]	3 [signature]
[signature]	
[signature]	
[signature]	

ATTEST: [signature] Deborah Stevens
Auditor Warrick County

FILED
FEB 08 2019

CONTRACT FOR LEGAL SERVICES

By this contract for legal services ("Contract"), the Warrick County Council ("Council") retains the law firm of Ziemer, Stayman, Weitzel & Shoulders, LLP ("ZSWS") for its legal services and to act as its counsel, principally through the services of Clifford Whitehead.

1. Scope of Representation. On behalf of ZSWS, Clifford Whitehead will be primarily responsible for attending to issues involving representation of the Council. In the event Clifford Whitehead cannot perform any duty involving representation of the Council or consultation of other members of ZSWS is needed in order to best serve the needs of the Council, other firm members will so act. Specifically:

a. Regular work. Principal duties in representing the Council will consist of attending regular meetings of the Council and providing legal advice for issues as they arise, including research, preparation of memoranda, preparation of resolutions and ordinances, and providing legal advice on an as needed basis. ZSWS agrees to undertake the representation of the Council for the year of 2019 for the amount of $18,000.00, which total amount shall be paid on a monthly basis.

b. Special work. At the direction and approval of the Council, ZSWS may undertake other work relating to its legal representation of the Council. For such special work, ZSWS shall submit to the Council a separate, itemized billing of all time and expenses. Such Special Work shall include and be upon the following terms:

i. Litigation. ZSWS may undertake and defend litigation on the Council's behalf. Any duties attendant with such litigation, such as appearance at hearings, preparation of pleadings, and other matters pertaining to the subject of the

litigation. The rate for time expended on said litigation shall be $160.00 per hour and all reasonable expenses associated with the litigation.

ii. Bonds. ZSWS shall work on any bond that comes before the Council, including the preparation and review of documentation, agreements, ordinances, and resolutions regarding the passage or legal counsel of said bond. The rate for time expended on said litigation shall be $220.00 per hour and all reasonable expenses associated with the bond.

iii. Special Projects. The Council may direct ZSWS to take on special projects. The rate for time expended on said special projects shall be $160.00 per hour and all reasonable expenses associated with the special project.

2. Best Efforts. ZSWS will use its best efforts in representing the Council and further agrees to undertake no action by any member of the firm which would constitute a conflict of interest with its representation of the Council.

This agreement shall be effective on January 1, 2019 and will apply to the entire calendar year of 2019.

APPROVED:

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

By: _____
Clifford Whitehead

Date: 2/7/19

WARRICK COUNTY COUNCIL

By: _____
Vice
_____, Council President

Date: 2/7/19

MEMORANDUM OF EXECUTIVE SESSION OF THE WARRICK COUNTY COUNCIL

The Warrick County Council of the Warrick County, Indiana, met in executive session on Tuesday, January 22, 2019 at 4:30 p.m. in the Commissioners Conference room in the Warrick County Courthouse located at 107 W Locust St # 301 Boonville, IN 47601. The executive session was conducted pursuant to Indiana's Open Meetings Law (I.C. § 5-14-1.5-6.1) for the discussion of job performance of certain personnel. No final action was taken.

Present:
Greg Richmond
Ted Metzger
David Hachmeister
Brad Overton
Cindy Ledbetter
Richard Reid

There was no subject matter discussed in the executive session other than the subject matter specified in the public notice.

Approved by the Warrick County Council

_____
Greg Richmond, President of the Council

Date: February 7, 2019

ATTEST: _____
Clifford Whitehead, Council attorney