

# **BOONE COUNTY BOARD OF COMMISSIONERS**

## **MINUTES OF THE FEBRUARY 5, 2024 MEETING**

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, February 5, 2024 in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

Donnie Lawson	Commissioner, President
Jeff Wolfe	Commissioner, Vice President
Tim Beyer	Commissioner
Bob Clutter	County Attorney
Kaylee Jessie	Executive Administrator

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### **DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG**

Commissioner Lawson opened the meeting at 9:09 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

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### **IN THE MATTER OF MINUTES**

Commissioner Beyer moved to approve the Minutes of January 2 and January 16, 2024 Commissioners' Meetings as presented. Motion seconded by Wolfe; motion passed unanimously 3-0.

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### **IN THE MATTER OF LEGAL ISSUES**

***Attorney Bob Clutter presented the following items:***

- 1) The request to release the following bonds:
  - Release the Performance Bond for Cardinal Pointe 5 in the amount of \$1,152,900.00.
    - Erosion Control \$73,000
    - Storm Sewer & Rear Yard SSD \$1,152,900.00
  - Release the Performance Bonds for Park 133 Building 1 Storm Sewer in the amount of \$361,387.51.
    - Erosion Control \$113,532.32
    - Storm Drains \$247,855.19

Commissioner Wolfe moved to approve releasing the bonds as submitted. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) The request to approve the following bonds:
  - Accept Maintenance Bond for Cardinal Pointe 5 for in the amount of \$184,200.00
    - Storm Sewers & Rear Subsurface Drains \$184,200.00
  - Accept Maintenance Bond for Cardinal Pointe 5 in the amount of \$18,250.00
    - Erosion Control \$18,250.00
  - Accept Maintenance Bond for Jackson Run SE in the amount of \$57,723.30.
    - Storm Drains \$57,723.30.

Commissioner Beyer moved to approve accepting the bonds as presented. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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### **IN THE MATTER OF SECTION 5311 RURAL TRANSIT CLAIMS**

Bob Clutter, County Attorney, presented the Boone Area Transit System (BATS) Section 5311 rural transit claim (#0000000954) for the fourth quarter in the amount of \$95,500 for ratification. Commissioner Lawson signed the claim on January 19, 2024.

Commissioner Wolfe moved to approve ratifying the BATS Section 5311 quarterly claim. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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### **IN THE MATTER OF INDIANA DEPARTMENT OF HOMELAND SECURITY GRANT**

Rachel Hanson, EMA Administrative Assistant, presented the Subrecipient Grant Agreement between Indiana Department of Homeland Security and the County for Emergency Management Performance Grant (EMPG) Program. The amount of the subaward is \$32,795.34.

Commissioner Beyer moved to approve the Indiana Department of Homeland Security Subrecipient Grant Agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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### **IN THE MATTER OF ORDINANCE 2024-02 AMENDING THE PREPAY ORDINANCE**

Bob Clutter, County Attorney, presented Ordinance 2024-02 amending an Ordinance allowing funds to be disbursed (prepay) by a disbursing officer for lawful county purposes to also be allowed to make payments for payments to non-governmental organizations (“NGOs”) that provide public benefit. Clutter read the Ordinance aloud in pertinent parts pursuant to state law.

Commissioner Wolfe moved to approve Ordinance 2024-02. Motion seconded by Commissioner Beyer motion passed unanimously 3-0.

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### **IN THE MATTER OF ORDINANCE 2024-03 RESTRICTIONS ON BRIDGES AND CULVERTS/SMALL STRUCTURES**

Nick Parr, Director of Highways, presented Ordinance 2024-03 relating to restrictions on certain bridges and culverts/small structures in Boone County, Indiana. Boone County contracts for the inspection of all bridges and small structures within Boone County under its jurisdiction biennially and receives reports detailing which bridges and small structures should be restricted for the safety of Boone County residents and the motoring public. Parr recommends adopting the updated list of restrictions for bridges and small structures recommended in the biennial Report as the maximum gross weight for the bridges and small structures.

Commissioner Beyer moved to approve Ordinance 2024-03. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## IN THE MATTER OF ORDINANCE 2024-04 AMENDING ZONING ORDINANCE

Bob Clutter, County Attorney, presented Ordinance 2024-04 amending the Zoning Ordinance of Boone County Incorporation an overlay and amending the Comprehensive Plan. The Area Plan Commission (APC), after conducting a public hearing on December 6, 2023, unanimously recommended changes to the Zoning Ordinance and the Comprehensive Plan to incorporate Exhibit "A" (Major Thoroughfare Overlay District), Exhibit "B" (Building Standards), Exhibit "C" (Landscape Standards), Exhibit "D" (Lighting Standards), and Exhibit "E" (Comprehensive Plan Statement of Purpose).

Stephen Elkins, Director of Area Plan, thanked the Area Plan Commission, Commissioners, Council, consulting team, and county employees for their support and commitment to this project. In 2022, the project started off as a Plan Unit Development (PUD) for the LEAP District in Boone County. The project evolved into a Major Thoroughfare Overlay District after the annexation of the LEAP District by the City of Lebanon to address the expected growth along state roads and interstates. The Area Plan Commission, Area Plan Staff, and consultants with Rundell Ernstberger Associates (REA) collaborated with Boone County residents on this project over multiple public meetings. The purpose of the Major Thoroughfare Overlay District is to protect the public health, safety, comfort, convenience, and general welfare by providing for the consistent and coordinated character of development for properties bordering SR 47, SR 32, SR 39, US HWY 52, SR 75, I-65, and I-74 within Boone County. Additional safeguards are also included in the project- any land currently zoned for A, AG, Agricultural must be rezoned to commercial/industrial district to access the additional land uses allowed at the overlay districts nodes. The rezoning process is highly negotiated and must be approved by the APC and Commissioners. This rezoning process check-in will allow residents to provide feedback before commercial/industrial development happens next to their homes and/or farms.

Commissioner Beyer moved to approve Ordinance 2024-04. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## IN THE MATTER OF RESOLUTION 2024-01 ASSIGNING TAX SALE CERTIFICATE TO CITY OF LEBANON

Bob Clutter, County Attorney, presented Resolution 2024-01 assigning a tax sale certificate to the City of Lebanon, Indiana pursuant to Indiana Code § 6-1.1-24-9. The following real property located in the City of Lebanon, Boone County, Indiana, was offered for sale at the annual Tax Sale (since 2009), and no bid was offered that would equal or exceed the minimum sale price prescribed by I.C. § 6-1.1-24-5(e):

**Tax Sale ID:** 6A92

**Key Number / Property ID Number:** 015-40620-00

**Legal Description:** PT SW NW 6-18-1E 2.00

**Street Address:** 312 East Thompson Street

**Tax Sale Certificate Number:** 6A92

The City of Lebanon has expressed an interest in the property for the purposes of the parks department storing/parking equipment.

Commissioner Wolfe moved to approve Resolution 2024-01. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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## **IN THE MATTER OF COLLECTIVE PUBLISHING AGREEMENT**

Bob Clutter, County Attorney, presented the Collective Publishing Agreement to continue producing content on a monthly basis that is published on the Living In Boone website and other social media platforms. The monthly payment is three thousand thirty-three dollars (\$3,333).

Commissioner Beyer moved to approve the Collective Publishing Agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## **IN THE MATTER OF ADDITIONAL CELL PHONE REQUEST - HIGHWAY**

Nick Parr, Director of Highways, requested adding a new cell phone line to the plan for the project manager.

Commissioner Beyer moved to approve the additional cell phone line. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## **IN THE MATTER OF ANNUAL HIGHWAY REPORT**

Nick Parr, Director of Highways, presented the 2023 Highway Report. (See Appendix #2)

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## **IN THE MATTER OF RENEWAL OF CSI AGREEMENT FOR THE RECORDER'S OFFICE**

Bob Clutter, County Attorney, presented the Computer Systems, Inc. (CSI) Agreement to use the eRMConnect system for the electronic recording of documents and disaster recovery services.

Commissioner Beyer moved to approve CSI Agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## **IN THE MATTER OF OLD BUSINESS**

### **BOONE COUNTY JUSTICE CENTER PROJECT UPDATES**

Michael Nielsen, Project Manager, presented the following updates for the Boone County Justice Center project:

Safety	<ul style="list-style-type: none"><li>• 224 days without a recordable incident.</li><li>• Overall housekeeping of site is priority for Hagerman.</li><li>• Deep storm structures started. The area fenced off completely during the digging.</li><li>• Safety Site visit from Travelers Insurance who is our county Builders Risk carrier and Risk Management insurer. The walkthrough and interview went well. No issues found.</li></ul>
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Issues	<ul style="list-style-type: none"> <li>• The trusts that were damaged have been replaced. Was able to get them delivered much quicker than expected.</li> <li>• Working on logistically getting data cable routed back through the existing area to existing IT room 137 so that we can focus on getting operations of infirmary and kitchen back online.</li> </ul>
Milestones accomplished since last update	<ul style="list-style-type: none"> <li>• The connector and front entrance are coming along very well.</li> <li>• Infirmary and kitchen area masonry is making great strides.</li> <li>• Walls in Sheriff Admin basement area going well and will be complete this week.</li> </ul>
Schedule milestones to be accomplished	<ul style="list-style-type: none"> <li>• Masonry ongoing in B basement with in-wall roughs.</li> <li>• Unit A framing ongoing.</li> <li>• Door frames set in masonry walls.</li> <li>• Building C Demolition wrapping up</li> <li>• Begin on walls in Sheriff Administration this week.</li> <li>• Will begin de-watering of the deep structures so we can set those structures in place.</li> </ul>

### **TIMECLOCK PLUS PROJECT UPDATES**

Michael Nielsen, Project Manager, presented the following updates for TimeClock Plus (TCP):

- Our meeting we had two weeks ago with the Prosecutors Office went well. We implemented the changes they wanted to see in TCP and it has been working well for them.
- We cleaned up some of the data in TCP from its original online date before we took over the project. Most data cleaned up at this point by HR and me.
- We continue to be on track this quarter to have one payroll voucher and the auto transfer of TCP data into that payroll voucher. Key will be training for department heads and elected officials so that the process can be explained in detail.

### **K2M 20 YEAR NEEDS ASSESSMENT PROJECT UPDATES**

Michael Nielsen, Project Manager, presented the following updates for K2M 20 Year Needs Assessment Project:

- The final report is complete and reviewed.
- Date for presentation is set for February 20th.

### **NEOGOV PROJECT UPDATES**

Michael Nielsen, Project Manager, presented the following updates for NeoGov Project:

Scope of the project	<ul style="list-style-type: none"> <li>• The NeoGov software has been set up by the HR department to handle on-boarding and off-boarding of county employees. The setup is almost complete at this point. The system will automate the hiring process as well as keep track of benefits and other important HR items.</li> </ul>
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Issues	<ul style="list-style-type: none"> <li>• Working on the best ways to implement the software to all departments. How do we accomplish this with consistency in every department.</li> </ul>
Milestones accomplished	<ul style="list-style-type: none"> <li>• Began the process of learning what NeoGov can do and the functionality of each module.</li> </ul>

## IN THE MATTER OF STAFF REPORTS

- APC – Stephen Elkins
- Capital Investments / Facilities – Max Mendenhall
- Health Department – Lisa Younts / Abby Messenger
- Highway Department – Nick Parr
- Human Resources – Megan Smith
- IT Support – GUTS
- Other Elected Officials

***Nick Parr, Director of Highways presented the following item(s):***

- 1) An interlocal agreement with the Town of Whitestown for the maintenance of their section 575 E south of 200 S. Whitestown has annexed 2,255' of the gravel road and Boone County maintains the remaining section. This would allow for the maintenance costs incurred to be reimbursed to Boone County. Commissioner Wolfe moved to approve the interlocal agreement with the Town of Whitestown. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
  
- 2) DB Engineering Agreement for acquiring additional information regarding ADA ramps that we are responsible for maintaining. To plan future projects and be able to estimate the cost of the repairs needed, details regarding ramp locations and conditions are necessary. The scope of this work will also include gathering data about the detectable warning surface, provide lat./long, street name and subdivision, provide photos, and shape files. The total not to exceed of this agreement is \$12,000. Commissioner Beyer moved to approve DB Engineering Agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
  
- 3) Amendment #1 to the agreement with Clark-Dietz for Project 2021-15, Bridge 84 Replacement (Des No. 2201606). This amendment includes an asbestos survey report which is required since we are now using federal funds for construction on this project. The amendment increases the total not to exceed by \$2,400. The new not to exceed of the contract is \$110,700. Commissioner Beyer moved to approve the Clark-Dietz Amendment #1 for Project 2021-15. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
  
- 4) Request execution of the title sheet for Project 2021-13, countywide sign replacement project (Des No. 2101725). This project is scheduled for the July INDOT letting, it includes replacement of approximately 4,000 signs throughout Boone County. The stage 3 plans have been reviewed and updated plans will be provided when the modifications have been completed.

## **5) Other Highway Items for Information/Discussion**

- 450 N from 350 W to 275 W is anticipated to close for construction 2/12/2024 for the replacement of WA-030.
- 900 N between 1100 W and the Montgomery County Line is anticipated to close 2/8/2024 for the replacement of SC-015. Contract documents allow for a 90- day closure.

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## **IN THE MATTER OF ELECTED OFFICIALS**

Lisa Bruder, County Clerk, asked when will livestream be available again for meetings? Bob Clutter, County Attorney, responded that he is working with IT on a policy. A draft was sent to the commissioners on Friday for their review.

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## **IN THE MATTER OF PUBLIC COMMENT**

Brian Daggy, resident / Farm Bureau, commented that he supports the adoption of the overlay district and all the work that was put into the project by the APC, consultants, elected officials and public. He strongly encourages the County Commissioners and County Council to regard this as the first step towards a full rework of the County's comprehensive plan. He would really like to see that in the future works.

Dave Myers, resident, requested a status update on the records request contracts relating to elections. Kaylee Jessie, Executive Administrator, responded that she was still reviewing meeting minutes from 2002 to present date to identify what contracts exist regarding elections.

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## **IN THE MATTER OF DOCUMENT SIGNING**

### **1) Bob Clutter, County Attorney, presented two claims for ratification:**

- Government Utilities Technology Service (GUTS) claim (Invoice #012432) in the amount of \$65,000 for providing work for the Boone County Justice Center (BCJC) project.
- GM Development Companies LLC claim for Construction Draw Request #014 in the amount of \$2,219,366.33 for the Boone County Justice Center (BCJC) project.

Commissioner Wolfe approved both claims on 01/24/24.

Commissioner Beyer moved to ratify the claims. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

### **2) Claims Dockets – regular, prepaids, payroll, and insurance.**

Commissioner Wolfe moved to approve Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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## **IN THE MATTER OF MAIL**

See (**Appendix #3**) for a list of mail opened by the Commissioners on this date.

Lisa Bruder, County Clerk, mailed a request to use the Boone County Courthouse for a Vote Center during the 2024 Primary Election on the following dates:

April 9, 2024 - May 3, 2024, 8am-4pm

Saturday, April 27<sup>th</sup>, 8am-3pm

Tuesday, April 30<sup>th</sup>, 1pm-8pm

Wednesday, May 1st, 1pm-8pm

Thursday, May 2<sup>nd</sup>, 1pm-8pm

Friday, May 3<sup>rd</sup>, 1pm-8pm

Saturday, May 4th, 8am-3pm

Tuesday, May 7<sup>th</sup>, 6am-6pm

Commissioner Wolfe moved to approve the use of the Boone County Courthouse for a Vote Center. Motion seconded by Commissioner Beyer; **passed 2-0**. Commissioner Beyer seconded the motion, but his vote was not recorded.

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### IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 10:11 AM on Monday, February 5, 2024. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.