

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE JANUARY 21, 2025 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Tuesday, 21, 2025 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

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Pell opened the meeting at 9:18 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF AMENDING THE AGENDA

Commissioner Beyer proposed an amendment to the agenda to include discussions and take action on the legal counsel services contract, personnel matters discussed in the executive session and appointments to the Insurance and Compensation Committees to the end of New Business, which was seconded by Commissioner Pell. The motion was approved with a vote of 2-1, with Commissioner Lawson voting in opposition.

IN THE MATTER OF MINUTES

Commissioner Beyer motioned to approve the minutes of the December 30, 2024 and January 8, 2025 Commissioners' Meetings as presented. The motion was seconded by Commissioner Lawson and passed unanimously, with a vote of 3-0.

Commissioner Pell motioned to table the minutes of the January 13, 2025, Commissioners' Meeting. The motion was seconded by Commissioner Beyer and passed unanimously, with a vote of 3-0.

IN THE MATTER OF OLD BUSINESS

1) BOONE COUNTY EDC CONTRACT

Commissioner Beyer moved to approve the Boone County EDC annual contract. The motion was seconded by Commissioner Lawson and passed unanimously, with a vote of 3-0.

IN THE MATTER OF LEGAL ISSUES

Bob Clutter, County Attorney, presented the following item(s):

- 1) Consideration for the acceptance of a Maintenance Bond for Jackson Run SE Section 2 Storm Sewer in the amount of \$56,015.20.

Commissioner Beyer moved to approve the Maintenance Bond for Jackson Run SE Section 2 Storm Sewer. The motion was seconded by Commissioner Pell and passed unanimously, with a vote of 3-0.

IN THE MATTER OF RESOLUTION 2025-01 AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

Bob Clutter, County Attorney, requested that the Commissioners table Resolution 2025-01, as the list of surplus property items is still being finalized.

Commissioner Beyer moved to table Resolution 2025-01. The motion was seconded by Commissioner Lawson and passed unanimously, with a vote of 3-0.

IN THE MATTER OF TKE REPAIR WORK ORDER

Max Mendenhall, Director of Capital Investments, presented the TKE Repair Work Order in the amount of \$13,836.25 for emergency phones in the five elevators at county buildings.

Commissioner Lawson moved to approve the TKE Repair Work Order. The motion was seconded by Commissioner Beyer and passed unanimously, with a vote of 3-0.

IN THE MATTER OF BFS CONSTRUCTION INSPECTIONFOR RESURFACING PROJECT

Nick Parr, Director of Highways, presented Butler Fairman & Seufert (BFS) Task Order #51 for construction inspection services required for Project 2025-02, Asphalt Resurfacing in Various Townships. The project involves full-depth reclamation of 3 miles of roadway and resurfacing of 3.6 miles of paved roads. The total amount of the hourly agreement is not to exceed \$106,000. Construction is expected to begin in the spring and be completed by summer. The project is partially funded through Community Crossing Matching Grant Funds.

Commissioner Beyer moved to approve the BFS Task Order #51. The motion was seconded by Commissioner Lawson and passed unanimously, with a vote of 3-0.

IN THE MATTER OF ANNUAL HIGHWAY REPORT

Nick Parr, Director of Highways, presented the annual highway report. (Please refer to **Appendix #2** for the full report.)

IN THE MATTER OF DISCUSS AND TAKE ACTION ON LEGAL SERVICES and PERSONNEL MATTERS

Commissioner Beyer sought to discuss and take action on the legal services contract and asked Commissioner Pell if he had any comments. Commissioner Pell responded that he would work on it and address it at the next meeting.

Commissioner Beyer made a motion authorizing the President to take necessary action on the legal services contract and personnel matters discussed during this morning's executive session, which was seconded by Commissioner Pell. The motion was approved with a vote of 2-1, with Commissioner Lawson voting in opposition.

IN THE MATTER OF INSURANCE and COMPENSATION COMMITTEE APPOINTMENTS

Commissioner Pell named the following members to be on the Insurance Committee: Commissioner Beyer, Councilman Aaron Williams, Councilman John Riner, Councilman Dustin Plunkett, Recorder Debbie Ottinger, Auditor Debbie Crum, Treasurer Nikki Baldwin, and Brittany Hicks.

Commissioner Beyer named the following members to be on the Compensation Committee: Commissioner Pell, Councilman Aaron Williams, Councilman John Riner, Councilman Dustin Plunkett, Clerk Lisa Bruder, Sheriff Tony Harris, Prosecutor Kent Eastwood, Surveyor Carol Cunningham, and Coroner Justin Sparks.

Bob Clutter, County Attorney, inquired whether the Council President had been consulted regarding the Council appointments.

Commissioner Beyer moved to appoint all the members names to the Insurance and Compensation Committee, excluding the council members for further discussion, which was seconded by Commissioner Pell. The motion was approved with a vote of 2-1, with Commissioner Lawson voting in opposition.

IN THE MATTER OF STAFF REPORTS

- APC –
- 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) Appraisals for the property required for the utility relocations and construction phase of Project 2020-13, CR 400 E/CR 100 S Intersection. This project is funded 90% with federal funds and 10% with local funds. The City of Lebanon has agreed to reimburse Boone County for expenses incurred related to this project.

Commissioner Beyer moved to authorizing the President to sign the five letters on behalf of the board. The motion was seconded by Commissioner Lawson and passed unanimously, with a vote of 3-0.

- 2) A request was made for a Commissioner to attend a series of meetings regarding the various projects near LEAP, specifically along 200 W, in order to gain clear direction on how the project team should proceed. Nick Parr has spoken with Sheriff Harris to see if he would like to attend from a public safety perspective. Bi-weekly calls are held to discuss the LEAP District and the different projects being

pursued, and a representative from this board has been requested to attend those meetings.

Commissioner Lawson volunteered to participate.

3) Other highway items for information/discussion:

- Construction on the Countywide Sign replacement project is scheduled to begin 1/23/2025, weather permitting. This project includes replacement of approximately 3,500 regulatory and warning signs.
- Bridge 84- CR 400 E North of CR 100 N is expected to begin in February. CR 400 E will be closed during construction, which could be 90 days.

IN THE MATTER OF PUBLIC COMMENT

- 1) Councilman Aaron Williams responded to the County Attorney's comment regarding committee appointments being advised by the Council President, stating that the assertion was false and inaccurate. He clarified that the Commissioners removed the former Council President, Ken Hedge, and emphasized that the Commissioners have full discretion to assign members to these committees at their own discretion. The Commissioners are not required to seek consultation from the Council President, nor does the Council President have a vote in the appointments. This practice was established as precedent when Councilman Hedge was removed. Commissioner Pell responded that the Commissioners would review the matter further.
- 2) Tom Santelli, Boone County resident and former Commissioner, has engaged in multiple discussions regarding the fueling station project, particularly concerning its estimated costs and the potential implications of putting the project on hold. He inquired about Commissioner Pell's stance on the matter. Commissioner Pell explained that the board is awaiting clarification on whether there will be any penalties for halting the project. Bob Clutter, County Attorney, mentioned that he could address some of the questions, noting that he had received additional information from Hagerman the previous day. He explained that if the board decides to terminate the agreement, the county would be required to reimburse Hagerman approximately \$335,000. This cost would need to be paid from the County General Fund, which would necessitate the commissioners seeking approval from the council for an additional appropriation. Bond funds could not be used for the reimbursement, as these funds are restricted to construction purposes related to the project.

Tom Santelli asked about the fate of the bond funds allocated for the fueling station project if the contract were terminated. Bob Clutter clarified that the \$1.948 million in bond proceeds would remain in place but could only be used for construction within the scope of the original project, which includes improvements to jail facilities, parking lots, drainage, and other ancillary infrastructure. Santelli also inquired whether the bond funds could be reallocated. Clutter stated that reallocation would only be possible if it remained within the project's defined scope, which pertains specifically to construction improvements for the jail and its associated structures.

Tom Santelli questioned whether a formal letter had been sent to Hagerman to suspend the project. Bob Clutter confirmed this, explaining that he had received an email forwarded by Commissioner Pell. Santelli asked whether the board had discussed and voted on this before the letter was sent. Commissioner Pell replied that no vote had been taken, as he felt it was crucial to pause the project to gather more information. He emphasized the urgency of understanding the current status of the project.

Tom Santelli stressed the importance of transparency, suggesting that the suspension of the project should be discussed in a public meeting with the other commissioners. He also raised concerns about the potential cost savings associated with the on-site fueling station, specifically in relation to the county's

fleet fueling needs. Commissioner Pell acknowledged that while fuel pricing had been reviewed, the convenience factor of having a fueling station just a few miles from the current location was minimal. Pell also indicated that the potential savings per gallon varied widely, with some estimates suggesting savings of \$0.10-\$0.15 per gallon. He noted that most station owners earn money from convenience store sales rather than fuel, and questioned whether the county was equipped to manage fuel procurement, monitoring, and storage. Pell also mentioned that Sheriff Harris was opposed to the fueling station, preferring that the funds be reserved for potential future needs related to the project.

Commissioner Lawson shared data he had received from Taylor Oil, which indicated that the cost to transport fuel to the county's fueling station would be, on average, \$0.53 less per gallon for diesel and \$0.48 less for gasoline. Lawson highlighted additional benefits, including the station's ability to supply fuel to generators in the event of a power outage and provide detailed data on fuel usage and vehicle conditions. He estimated annual savings of approximately \$110,000 to \$120,000, depending on fuel consumption. The county currently procures fuel through an annual bidding process and aims to lock in favorable rates when possible.

Tom Santelli asked where the funds for the fueling station would come from, and Commissioner Lawson clarified that the funds are included in the county budget. Auditor Crum added that the funding could come from either the County General Fund or PSLIT funds, depending on the department.

Commissioner Beyer emphasized the need to review all available data, including additional quotes from vendors. He noted that while vendor #2's data suggested only a \$0.22 per gallon savings, there were other factors to consider, such as long-term maintenance costs. He mentioned that, based on his analysis, it would take 21 to 50 years to realize significant savings from the fueling station. Commissioner Lawson added that private and farming businesses that have the capacity for fuel storage often purchase fuel in transport loads to take advantage of volume discounts.

Tom Santelli expressed ongoing concerns about transparency in the decision-making process.

John Riner, a Boone County citizen and councilman, who has experience purchasing transport loads of fuel, questioned how the county planned to manage fluctuating fuel prices, as well as how the fueling station could be marketed. He also raised concerns about the use of jail bond funds for this project, suggesting that it should have been presented to the council for approval. Commissioner Lawson responded that the fueling station would be for county fleet use only and that no work had been done before the contract was signed. Auditor Crum stated that some invoices for the fuel station had been paid prior to the formal contract approval in December, though she did not disclose details. Councilman Riner reiterated his concern that the matter should have gone before the council for reallocating funds.

Jay Luse, a Boone County citizen, encouraged the county to move forward with the fueling station, describing it as a practical decision that could eliminate a link in the supply chain. He noted that fleet owners often benefit from having their own fueling stations, and this would provide an opportunity for the county to save money.

Councilman Williams asked about the process for obtaining bids for the design and construction of the project. Bob Clutter responded that Hagerman would be responsible for these aspects.

Finally, Commissioner Pell read an email from Sheriff Harris into the record, outlining his position on the matter.

“All: I have been asked for my opinion over the last week including calls up to today on the County Fuel Station that is currently up for consideration. I won’t be able to be at the Commissioners Meeting tomorrow so I wanted to get it documented beforehand in my words.

- 1. The current Justice Center project is not completed yet. \$2,000,000 would go a long way on something that wasn’t seen or thought of when they originally designed the project. I would like to see that money be saved for a period of 1 year after administrations is back in the building in case something comes up.*
- 2. It is our understanding that in 2024 we locked in a price with CO-OP of \$2.70 a gallon. Average gas price in 2024 for the entire country was \$3.30 which shows we saved the county money. There is one station for it, but it is centrally located in Lebanon for those who aren’t aware. I checked with people I know in the fuel business and was told that if we were able to save .10 to .15 cents a gallon, we would really be doing something.*
- 3. Was the fuel station put out for bid? Could we save money there? Was maintenance or the possibility of a fuel spill taken into consideration?*

I am not trying to be a pain! I do know things come up after the fact in new construction and I just think we would be served holding off at this point.

I’ve said this before, but I want to make sure you all know that you can always call me with any questions you may have at anytime that involves the Sheriff’s Office.

Respectfully

Tony”

Commissioner Pell added that if the payback period extends from 20 to 50 years, the most durable tanks available for the project are the 2087 models, which are double-wall, fire-resistant, and certified for 30 years. These tanks represent a cost of \$280,000 within the overall project. However, before the project could be paid off, the tanks would likely need to be replaced. This topic will continue to be tabled until further information has been reviewed and discussed.

- 3) Assessor Jennifer Lasley inquired about the legal counsel services contract, asking whether it would be included on the agenda or added on the day of the meeting. She expressed her desire to provide input on the matter. Commissioner Pell indicated that the contract would likely be on the agenda as they move forward. Assessor Lasley noted that she is unable to attend every meeting and that last-minute additions to the agenda make it difficult to plan ahead. Commissioner Pell acknowledged this challenge, expressing his preference to avoid making amendments to the agenda at the last minute, as it complicates the process.

Commissioner Beyer stated that the board had authorized Commissioner Pell to take any necessary actions regarding the legal counsel services contract. Assessor Lasley questioned whether this would be open for discussion, noting that her role as Assessor often requires legal guidance. She mentioned that she frequently receives instructions from the Department of Local Government Finance (DLGF) to "contact your local attorney" and has had to reach out to Bob Clutter, the County Attorney, on several occasions. Lasley expressed her desire to provide input if the board is considering changing legal counsel, particularly as others also rely on Bob Clutter's services.

Bob Clutter confirmed that the motion authorized the president to take action on the matter. Assessor Lasley asked whether this meant there would be no opportunity for input from other stakeholders.

Commissioner Pell responded that he would address any questions Lasley might have as the process progresses. He added that the board plans to explore other legal counsel options within the next 10 days, but if no suitable replacement is found, Bob's contract would be extended for another month. Assessor Lasley questioned whether it had already been decided to change legal counsel without further discussion. Commissioner Pell reassured her that the matter would be looked into.

- 4) Judi Stewart, a Boone County citizen, voiced her agreement with Assessor Lasley, urging the board to be more transparent with the public. She emphasized that taxpayer funds are at stake and that the community deserves to know that the board is conducting proper due diligence. Stewart expressed her support for tabling several items to ensure they are thoroughly reviewed and studied, and she also agreed with Sheriff Harris's position regarding the fueling station.

IN THE MATTER OF DOCUMENT SIGNING

- 1) An affidavit for payment to GM Development in the amount of \$1,232,592.31 for Draw Request 026, related to the construction of the Boone County Justice Center project.

Commissioner Lawson moved to approve the affidavit for payment to GM Development in the amount of \$1,232,592.31 for Draw Request 026. The motion was seconded by Commissioner Beyer and passed unanimously, with a vote of 3-0.

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

Commissioner Beyer moved to approve Budgetary Claims presented from the Auditor's Office. The motion was seconded by Commissioner Lawson and passed unanimously, with a vote of 3-0.

IN THE MATTER OF MAIL

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

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Lawson moved to adjourn the Boone County Commissioners' Meeting at 10:51 AM on Tuesday, January 21, 2025. The motion was seconded by Commissioner Beyer and passed unanimously, with a vote of 3-0.