

Boone County Board of Commissioners Minutes
April 1, 2019
Connie Lamar Meeting Room
Boone County Government Building

Commissioners Present: Jeff Wolfe, Donnie Lawson, and Tom Santelli

Commissioners Absent:

Staff Attending: Bob Clutter (County Attorney) and Kaylee Jessie (Administrative Assistant)

Board President Jeff Wolfe opened the meeting at 9:05 a.m. with the pledge of allegiance.

Approval of Minutes for March 18, 2019 (Regular Meeting):

Commissioner Tom Santelli made a motion to approve the minutes for the March 18, 2019 meeting. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Legal Issues:

Attorney Bob Clutter presented the following item:

1. Maintenance Bonds for Pulte Homes of Indiana at the Clark Meadows Section 6 subdivision
 - a. \$34,488.00 for the maintenance of storm sewer improvements.
 - b. \$7,068.00 for the maintenance of erosion control improvements.

Commissioner Tom Santelli made a motion to approve the acceptance of maintenance bonds. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

2. Comfort Systems Agreements
 - a. Relocating the units near dispatch at the Jail in the amount of \$14,710.00.
 - b. Replacing the air handlers 4 and 5 in the amount of \$64,240.00.

Mike Miller, Facilities Manager, came forward and stated the air handlers were budgeted for this calendar year. They will begin replacing the worst ones first, which are units 4 and 5. It was also requested for the air units near dispatch at the jail be relocated in case of leaking and noise situations. They will be relocated to the garage at the jail.

Commissioner Donnie Lawson made a motion to approve the Comfort Systems Agreements. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

3. Perfection Group Agreements
 - a. KeyBank HVAC preventative maintenance agreement in the amount of \$6,172.00.
 - b. Annex HVAC preventative maintenance agreement in the amount of \$1,750.00.
 - c. Courthouse HVAC preventative maintenance agreement in the amount of \$5,600.00.

Mike Miller, Facilities Manager, came forward and stated the preventative maintenance is for the major pieces of equipment at all three buildings such as the chiller units and boilers.

Commissioner Donnie Lawson made a motion to approve all three agreements for Perfection Group. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

4. LPA-INDOT Grant Agreements for the 2019-01 Community Crossings Matching Grant Fund Program.

Craig Parks, County Engineer and Director of Highway Department proudly announced that Boone County was awarded \$625,000 in Community Crossings Matching Grand Funds. This will allow the county to continue with the resurfacing project that has been bided out.

Commissioner Tom Santelli asked roughly what was the total amount of the four Community Crossing Grants that have been awarded to Boone County? Craig Parks stated 2.8 million dollars in funding has been received. The Commissioners congratulated and thanked Craig Parks and the Highway Department.

Commissioner Tom Santelli made a motion to approve the LPA-INDOT Grant Agreements. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

5. A&K Custom Monument Service, LLC agreement to install the new monument sign for Boone County Highway Department in front of their building in the amount of \$7,842.12.

Commissioner Donnie Lawson made a motion to approve the A&K Custom Monument Service, LLC Agreement. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

6. A sales order with WA Jones Truck Bodies & Equipment for a new single axle dump truck with a stainless steel bed in the amount of \$67,821.00 for the Highway Department.

Commissioner Tom Santelli made a motion to approve the sales order with WA Jones Truck Bodies & Equipment. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

7. A sales disclosure form and a quitclaim deed related to the sale of State-owned right-of-way to Boone County. The right-of-way located near Ford Road and Moore Road as part of the Ford Road bridge replacement project. INDOT is selling the right-of-way to Boone County in the amount of \$50.00, plus the \$25.00 recording fee, the total expenditure is \$75.00.

Commissioner Donnie Lawson made a motion to approve the sale disclosure form and quitclaim deed. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

In the Matter of Bid Opening for Project# 2018-05, West 96th Street Resurfacing, Curve Correction & Safety Improvements:

1. **Name:** E&B Paving, Inc.
Received: April 1, 2019 at 8:15 a.m.
Bid Amount: \$314,600.00
2. **Name:** Calumet Paving
Received: April 1, 2019 at 8:00 a.m.
Bid Amount: \$329,000.00

Commissioner Tom Santelli made a motion to take bids received under advisement. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Ordinance 2019-03 – An Ordinance Amending Ordinance 2013-04 Concerning Solid Waste Transporters and The Establishment of Registration Requirements and Administrative Fees:

Bob Clutter, County Attorney, presented an ordinance amending Boone County Ordinance 2013-04 in Boone County Code Section 50.34 relating to solid waste transporter responsibilities inserting the language ***“As part of the transporter’s normal billing process, the transporter shall list the applicable District Solid Waste Management Fee as a separate line item on each bill.”*** All other parts of the previous ordinance are still in full force and effect.

Commissioner Tom Santelli made a motion to approve Ordinance 2019-03.
Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Billboard Lease on Lot 2 for Consideration:

Bob Clutter, County Attorney, informed the board that the proposed changes were submitted to Fairway Outdoor Advertising, and they have agreed to all the changes. He has also been in contact with Terri Batts, GIS Technician, to create a separate parcel for the land immediately surrounding the billboard, so that any lease does not encumber all of Lot 2. It was requested to table this item for the separate parcel to be attached as an exhibit to the agreement.

Commissioner Tom Santelli made a motion to table this item.
Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Interlocal Agreement with Lebanon for Planning:

Bob Clutter, County Attorney, has sent the Interlocal Agreement with Lebanon for Planning to the City of Lebanon requesting signatures, but he has not received the documents back nor any communication from the City. Item has been tabled.

In the Matter of MOU with City of Lebanon for Courthouse ADA Ramp:

Bob Clutter, County Attorney, has sent the MOU regarding the Courthouse ADA Ramp to the City of Lebanon requesting signatures, but he has not received the documents back nor any communication from the City. Item has been tabled.

In the Matter of Consideration of Easements with RMAC:

Attorney Bob Clutter presented three proposed Easements with RMAC.

1. Grant of Storm Drainage Easement
2. Grant of Sanitary Sewer Easement
3. Grant of Ingress/Egress Easement

Commissioner Donnie Lawson made a motion to approve the three Easements with RMAC.
Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

In the matter of Old Business:

There was none at this time.

In the Matter of Staff Reports

- a. Facility Maintenance – Mike Miller
- b. APC – Rachel Cardis
- c. IT Support – GUTS
- d. Health Department – Cindy Murphy / Brett Peppin
- e. Highway Department – Craig Parks

Cindy Murphy, Administrator / Nursing & Vital Records Director presented the following items:

1. Boone County Health Department Annual Report for 2018 and spoke on what could be found in the report.

Craig Parks, County Engineer and Director of Highway Department presented the following items:

1. Construction in Right-of-Way Permit (#201910007) for REMC at the location of 1200E south of 100N for 3,715 feet of pole replacement.

Commissioner Donnie Lawson made a motion to approve the construction in right-of-way permit.

Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

2. The contract with Baumgartner & Company, Inc. in the amount of \$92,642.55 for the resurfacing of the Highway Department's parking lots, Project 2019-01. They were the lowest responsible, responsive bidder on the project and were awarded the project during the Commissioners March 18th meeting.

Commissioner Donnie Lawson made a motion to approve the contract with Baumgartner & Company, Inc.

Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

3. A recommendation to award Baumgartner and Company, Inc. and executing the construction agreement for the asphalt resurfacing in various townships, Project 2018-14. The contract is in the amount of \$1,378,275.20. This includes the base bid and alternates 1-8 (Town of Advance \$88,420; Town of Ulen \$139,911.60; Boone County \$1,149,943.60). Baumgartner & Company, Inc. was the lowest responsible, responsive bidder, on the project.

Commissioner Tom Santelli made a motion to approve awarding Baumgartner and Company, Inc and executing the construction agreement. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

4. A Memorandum of Understanding ("MOU") with the Town of Advance and Town of Ulen that outlines the reimbursement process for the cost of Project 2018-14 that includes the Community Crossings resurfacing work in both Towns.

Commissioner Donnie Lawson made a motion to approve the Memorandum of Understanding with the Town of Advance and Town of Ulen. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

5. An unofficial local detour for INDOT's State Road 75 project through the Town of Advance.

Commissioner Donnie Lawson made a motion to approve unofficial local detour for INDOT.

Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

6. The request to release bond permit (#201810013) for Earth and Turf Partners LLC in the amount of \$10,000.

Commissioner Tom Santelli made a motion to approve the release of bond permit (#201810013).

Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

7. A recommendation to adopt the new Boone County Highway standard drawings. These have been under development for the past couple of years. Upon adopting these, all previous standard drawings will be repealed.

Commissioner Tom Santelli made a motion to approve the new Boone County Highway standard drawings. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

Other Elected Officials:

1. Debbie Ottinger, Treasurer, informed the Commissioners that the Treasurer's office were the first ones to begin the program with Invoice Cloud. Their office is up and running regarding online payments for taxes. All the information will go out on the tax statements and on the county website. She wanted to let them that the transition has gone very well so far.
2. Elise Nieshalla, County Councilor / AIC Legislative Committee, wanted to offer the Commissioners and public a few updates.
 - Indiana Senate Bill 623 - Close the Dark Box Loophole: Boone County has been made aware that we are not going to receive a hearing in the House of Ways and Means Committee. The committee has decided that they would like to wait for market segmentation to play out in the courts. This week we are expecting a verdict to come down on a Lowe's case in Monroe County, and we will be watching this very closely. This could change the dynamic down in the State House. If good language comes from this ruling, then perhaps there would be renewed interest in inserting that language into the bill.
 - Indiana Senate Bill 94 – Related to Forced Annexation: It does not look like the bill is going to pass but will be put into summer study.
 - Indiana Senate Bill 233 – Business Personal Property Tax Exemptions: The bill is gaining traction and is moving at the threshold from \$20,000 to potentially \$40,000. This will affect us physically, but not as much as it could have. They were looking at including all depreciated of personal business property, and that has been taken it out. It will only entail the acquisition value.
 - Indiana Senate Bill 566 – TIFs for Housing: This is for counties with a population under one-hundred thousand (100,000), including Boone County. Elise has provided the feedback that Boone County does not need this and encouraged them that if they are going to do this, they need to put in some kind of amendment to say the county must have a declining population.
 - Indiana Senate Bill 582 – The Jurisdiction of the Tax Court Over Fees (Stormwater Fees, User Fees, Etc.): Local government finance could be really impacted if fees are considered taxes that counts towards the tax caps. Bob Clutter, County Attorney, commented that there was a recent decision out of the tax court stating that stormwater fees were taxes, and they never have been considered that before, so they did not go through the tax court. This recent decision said that they consider them to be taxes rather than fees, and that could have an enormous impact on local government.
 - Indiana House Bill 1025 – The Engineer Stipend: The State House is aware of the challenges of the bill as it was written, and we have been assured that they will be taking out the line that requires the county not to change the amount that is being paid to the county engineer, so the county will have flexibility.
 - Indiana House Bill 1065 – Regional Holding Facilities **and** Indiana House Bill 1075 – Level 6 Felons: Both bills are an attempt to address the pressure that counties are feeling with overpopulated jails.
 - Indiana House Bill 1625 – Housing Impact Studies: This bill requires a housing impact study to be tied into so many efforts at a local government level.

Debbie Ottinger, Treasurer / Boone County Resident, asked how Donna Shively stand on the Close the Dark Box Loophole issue? Elise stated the Donna is carrying the bill in the house. Debbie stated that we as a community need to let our representatives and senators know our concerns that this will have a detrimental financial impact, not only in Boone County but across the state.

In the Matter of Public Comments:

There was none at this time.

In the Matter of Document Signing:

1. Key Request Forms for the following:

- Tom Santelli, County Commissioner, for Courthouse and Annex Entrances, Connie Lamar Room, and Commissioners office
- Jason Arcillas, Courthouse Security, for Courthouse, Annex, KeyBank and Elk's buildings
- Courtney Baldwin, Community Corrections Admin Assistant, for bank probation entrance

Commissioner Donnie Lawson made a motion to approve the key request forms.

Commissioner Tom Santelli seconded the motion. Motion carried 3-0

2. An affidavit for payment for USI Consultants in the amount of \$3,195.00 for Bridge 202 Rehabilitation to be paid out of the 2014 COIT Bond.

Bob Clutter, County Attorney, also presented the updated statement from Bank of New York with the balance of \$944,819.12 for the 2014 COIT Bond that was received in March.

Commissioner Donnie Lawson made a motion to approve the affidavit for payment.

Commissioner Tom Santelli seconded the motion. Motion carried 3-0

In the Matter of Claims presented in today's meeting

See **(Appendix #2)**

Commissioner Tom Santelli requested clarification on a claim that was submitted for an autopsy. Typically autopsy cost around \$1,600.00, and there was one in the claims docket for \$8,600.00. Was this claim for a combination of multiple cases or a special case? Kent Eastwood, Prosecutor, stated this claim was for a combination of multiple cases.

Commissioner Jeff Wolfe also had a question regarding the claims submitted for blood tests at Witham. Kent Eastwood, Prosecutor, stated that Witham had done an audit going back several years where they have failed to charge the county for the blood tests. When a person, for example, a drunk driver, refuses a certified breath test or they may have drugs in their system. The county can request a blood draw, and Witham provides those services at a cost. The Prosecutor's office budgets roughly \$30,000 a year to pay for blood draws. In addition to that, if a defendant pleads guilty, a part of their plea agreement is to reimburse the cost as restitution.

Commissioner Donnie Lawson made a motion to approve claims as submitted.

Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

In the Matter of Mail

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

With no further business, Commissioner Donnie Lawson made a motion to adjourn at 10:19 am.

Commissioner Jeff Wolfe seconded the motion. Motion carried 2-0.