

Boone County Board of Commissioners Minutes
June 17, 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 9:20 am.

Approval of Minutes for June 3, 2019 (Regular Meeting):

Commissioner Tom Santelli made a motion to approve the minutes for the June 3, 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. Performance Bonds for 65 Commerce Park
 - Regulated Storm Drains (Infrastructure) in the amount of \$140,338.00
 - Regulated Storm Drains (Buildings 2 and 3) in the amount of \$134,362.00

Commissioner Tom Santelli made a motion to approve and accept the performance bonds. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

2. Provided an update on the Fairway Outdoor Advertising lease agreement for the billboard on Lot 2. The new separate parcel for the billboard has been completed and recorded. Commissioner Jeff Wolfe has reviewed the deed and signed it. The Commissioners authorized Commissioner Jeff Wolfe to review the documents and sign them at a prior meeting.

In the Matter of Office Items to be Declared Surplus – Kent Eastwood:

Item was tabled.

In the Matter of Discussion regarding the Boone County Fairgrounds property in relation to the neighboring former gas station property at 2065 Indianapolis Avenue in Lebanon, Indiana:

Phil Schlak with ATC Group Services LLC, representing Sunoco Evergreen, presented the request to have a discussion regarding the Boone County Fairgrounds property in relation to the neighboring former gas station property at 2065 Indianapolis Avenue in Lebanon, Indiana. Remedial actions have been performed for the historical gasoline release. There is some remediation work remaining to be done just east on the Boone County 4-H Fairgrounds property. Indiana Department of Environmental Management (“IDEM”) is wanting to push for closure of the incident. Phil Schlak wanted to know the Commissioners thoughts and discuss the options. IDEM’s typical way of closing an incident, in this case, would be an Environmental Restricted Covenant (“ERC”). The main restrictions the state would put in place would be no drinking well water from that area, and if in the future a building was built there that there would be provisions or testing for vapor intrusion. There was further discussion on where the wells are located on the Boone County fairground property, how frequently they are tested, and what they are used for. Another option would be a little invasive onto the Boone County Fairgrounds property with injections of chemicals which would be an oxidation compound. County Attorney Bob Clutter asked how invasive is the injection process? Phil Schlak stated that they would use a direct push type of drill rig to push the tooling down and inject the fluid through

the tooling. There would be nothing left at the surface, but they would be tracking around the property. County Attorney Bob Clutter stated that it is a relatively confined space between the three wells. How many injections would he estimate? Phil Schlak stated he would guess around 30 injections to get an overall good distribution. Commissioner Jeff Wolfe asked, based off the trending report that was provided, if he had a projection of what year he would expect it to drop under the industrial level. Phil Schlak stated he would estimate five or more years before it dropped below the industrial level. The data provided does fluctuate some overtime based on the groundwater levels. The Commissioners requested to see the next set of data to see if the amount of rain the county has had this spring would have any impact. County Attorney Bob Clutter commented that it might be interesting to see how big of an area they are proposing the ERC would cover. If they could shrink it to down to just the three wells, it would possibly be a lot more palatable to the Commissioners. The last time this was considered years ago, the proposal was for the ERC to cover the whole property. The Commissioners requested to see what the ERC would look like and legal description. Phil Schlak will provide the Commissioners with a draft of what the State would like to see for the ERC and the next quarterly data for further discussion.

In the Matter of Request the Real Property Endorsement Fee Ordinance be amended to \$10.00 pursuant to 36-2-9-18 effective 7/1/2019 – Heather Myer:

Heather Myers, County Auditor, presented IC 36-2-9-18 effective July 1, 2019 increasing the fee from \$5 to \$10 for the Real Property Endorsement Fees, such as any deed or legal description for each parcel. She is requesting the ordinance to be updated reflecting the fee increase.

County Attorney Bob Clutter stated that he will draft an ordinance, and have it prepared for the Commissioners July 1st meeting, but it will not be effective July 1st. If the ordinance is passed, under state law, it must be published before the fee increase can take effect. The fee increase can become effective 30 days after publication.

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

Nick Parr, Operations Manager of Highway Department presented the following items:

1. Construction in Right of Way Permit (#201910024) for Boone REMC at 175W between 650S and 750S, 450N east of SR 39, and 440 N west of 75E for 9,890 feet of pole replacement. The Boone County Highway Department recommends approval subject to the condition of REMC coordination with the department inspector.

Commissioner Donnie Lawson made a motion to approve Construction in Right of Way Permit (#201910024) for Boone REMC. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

2. Construction in Right of Way Permit (#201910023) for BSM Groups, LLC for QC Communications between 6680 and 6683 Wimbledon Drive, approximately 290 feet east of I65 and approximately 200 feet west of S CR 650 E. They're going to bore linear to the roadway. The Boone County Highway Department recommends approval.

Commissioner Tom Santelli made a motion to approve Construction in Right of Way Permit (#201910023) for BSM Groups, LLC for QC Communications. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

3. The Boone County Highway Department recommends awarding the Base Bid plus Alternate bids 1, 2, 3, and 7 in the amount of \$798,720.00 for Project #2019-06, Asphalt Resurfacing in Various Townships to Grady Brothers. Bids were open during the June 3rd Commissioners meeting. A memo explaining their recommendation was distributed to the Commissioners and bidders.

Commissioner Donnie Lawson made a motion to approve the awarding of Project #2019-06, Asphalt Resurfacing in Various Townships to Grady Brothers. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

4. Swift Land Consulting LLC proposal to provide survey services for Pauper's cemetery property near the Boone County jail to accommodate the request from the historical society to fence in the cemetery. There are three parts to the proposal totaling \$2,500. The Boone County Highway Department requested the fee be paid out of the County Commissioners budget.

Commissioner Donnie Lawson made a motion to approve the Swift Land Consulting LLC proposal for the survey services and to pay the cost out of the Commissioners budget. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

5. Request signatures to be used on the title sheet of Bridge #202, Sycamore Street bridge rehabilitation project. Once signed, these will be transferred electronically to the title sheet of the federal aid project. No official action required; the Commissioners signed the title sheet of Bridge #202.

6. Revise the Boone County Highway Department schedule of standard bond amounts. Due to recent changes to Indiana state code, it is necessary to modify the bond amounts on some of our permits. The new law becomes effective on July 1, 2019.

Commissioner Tom Santelli made a motion to approve the changes to the bond schedule for the BCHD. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

7. Request to give authority to Boone County Highway Department (Nick Parr and Craig Parks) to coordinate the best route with INDOT and sign the Unofficial Local Detour paperwork for the SR 39 bridge closure. Reminder, the closure will begin on July 8th until November 15, 2019. Nick Parr made it very clear to motorist that there is NOT a good way around the detour that the state has provided, and it would be best to follow it.

Commissioner Donnie Lawson made a motion to authorize Nick Parr and Craig Parks to coordinate with INDOT and sign the Unofficial Local Detour paperwork for the SR 39 closure. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

8. Change orders #1 and #2 with Baumgartner & Company, Inc. for Project 2018-14, Resurfacing in Various Townships. Both are for work within the Town of Advance, total cost of both change orders is \$8,367.50, but will be offset by under-runs on other items.

Commissioner Tom Santelli made a motion to approve change orders #1 and #2 for Baumgartner & Company, Inc. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

9. Change order #2 with Conexco, Inc. for Project 2018-02, Replacement of Bridge #72. This change order is the final close-out change order to account for over/under-runs. Change order is in the amount of negative (-) \$1,701.76, reducing the total project cost to \$631,468.11.

Commissioner Tom Santelli made a motion to approve change order #2 for Conexco, Inc. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

Other Elected Officials:

There was none at this time.

In the Matter of Public Comments:

There was none at this time.

In the Matter of Document Signing:

1. A key request form for Penny McLeod, Environmental Health Specialist, for the Health Department and Annex Building Entrance.
Commissioner Tom Santelli made a motion to approve the key request form.
Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Claims presented in today's meeting

See **(Appendix #2)**

Commissioner Tom Santelli made a motion to approve claims as submitted.
Commissioner Donnie Lawson 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 Tom Santelli made a motion to adjourn at 10:12 am.
Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.