

Boone County Board of Commissioners Minutes
August 19, 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 9:09 am.

Approval of Minutes for August 5, 2019 (Regular Meeting):

Commissioner Tom Santelli made a motion to approve the minutes for the August 5, 2019 meeting. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

Approval of Memorandum for Executive Session on August 7, 2019:

Commissioner Donnie Lawson made a motion to approve the Memorandum for Executive Session on August 7, 2019. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

In the Matter of Legal Issues:

Attorney Bob Clutter presented the following item:

1. JDAI Contract with Deputy Jesse Boggs for the Unity in Community Program. The contract was previously approved and being presented today for signature. There were no objections to Commissioner Jeff Wolfe signing the contract.

In the Matter of Scholarship Award for Noelle Parks from the Indiana Association of County Highway Engineers and Supervisors:

Brad Davis, a representative of the Indiana Association of County Highway Engineers and Supervisors ("IACHES") presented a scholarship award to Noelle Parks. IACHES offers a scholarship opportunity to relatives of paid membership members of the organization. There were several applicants for this year's scholarship. Noelle's application rose to the top with her strong academic credentials, athleticism, volunteer activities, and she is overall a well-rounded person that is very deserving of this award. Commissioner Jeff Wolfe commented that the Commissioners are very proud of Noelle and congratulated her on the award.

In the Matter of Presentation on No Passing Zone Study:

Craig Parks, County Engineer, reminded everyone that Boone County was a recipient of a grant to prepare a local road safety plan. When he started to receive the crash data, he quickly realized how many of the crashes are due to people leaving their lanes. A large portion of that is because many of the roads in Boone County do not have striped lanes. The Boone County Highway Department would like to begin striping lanes on the roads, but part of that process is identifying where the passing and no pass zones are located first. Craig introduced Nick Hickman with Masterminds to give a presentation on the No Passing Zone Study prepared for Boone County. Nick Hickman thanked Craig Parks and Boone County for hiring Mastermind to perform the No Passing Zone Study. He showed examples of reports and mobile mapping images that were collected while driving around on all the paved roads of Boone County. The software platform displayed during today's meeting was delivered to the Boone County Highway Department so they can to utilize this information for the striping. Commissioner Tom Santelli asked are the stripes laid down according to GPS coordinates, or how do you get the start/stop in the exact positioning? Nick Hickman responded that in his opinion a mile point calculation has been the best on accuracy and most commonly used. Masterminds does GPS tag or

georeference all of the markings so both options are provided. Mastermind performs the No Passing Zone Study within the mobile mapping video. This creates a controlled environment to perform the study and prevents them from having to stop or back up traffic.

In the Matter of Abatement Request for Project Spence:

Rachel Huser, Economic Development Manager at the Boone EDC, is here to represent the company and Project Spence. She presented an incentive request for a traditional 10-year real property abatement from Duke Realty / Browning Investments on a 133,000 square foot expansion regarding All Points at Anson Building 7B expanding towards the west. The expansion has an estimated capital investment of \$5.2 million in real property. The tenant of the facility, Brooks Sports, wishes to expand the building in order to accommodate its existing and future growth of distribution. With this expansion, it is estimated that the company will hire 29 additional fulltime employees at an average wage of over \$16/hour. The estimated total benefit from this will exceed \$843,000 to Whitestown and Boone County over a ten-year period. This abatement request has been approved by the Whitestown Town Council, and the Boone County Redevelopment Commission gave a favorable recommendation.

Commissioner Tom Santelli made a motion to approve the abatement request for Project Spence. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Request to use the Courthouse Rotunda on October 5, 2019:

The Commissioners received request via email from the Boone County Youth | Adult Orchestra ("BCYAO") to use the courthouse rotunda, with proper security established through the Boone County Sheriff's Department, on Saturday, October 5th for a concert. They anticipate needing access to the building from 2pm to 6:30pm.

Commissioner Donnie Lawson made a motion to approve BCYAO's request to use the courthouse rotunda on October 5, 2019. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

In the Matter of Comcast Contract:

Sean Horan, IT Support, presented the Comcast contract to upgrade the internet circuits for the County. The bandwidth will be almost doubled given all the extra items being moved to the cloud and new phone system that has gone into place. This was included in the IT Support's budget for this year.

Commissioner Tom Santelli made a motion to approve the Comcast contract. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Metronet Contract:

Sean Horan, IT Support, presented the Metronet contract to upgrade the internet circuits for the County. The bandwidth will be almost doubled given all the extra items being moved to the cloud and new phone system that has gone into place. This was included in the IT Support's budget for this year. County Attorney Bob Clutter had a few minor revisions to the contract, similar to other revisions made in the past with Metronet.

Commissioner Donnie Lawson made a motion to approve the Metronet contract subject to County Attorney Bob Clutter's changes. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

In the Matter of Community Corrections Annual Report:

Michael Nance, Community Corrections Executive Director, presented an annual report for Community Corrections and spoke on what could be found in the report submitted. There was further discussion on grant funds for the continued development of the Pre-Trail Program. They have one fulltime person, and a second person identified if the grant funding is approved. He also thanked the Commissioners for the additional office space for the expansion of Community Corrections and Probation on the 4th floor. The move has gone

smoothly so far. Commissioner Tom Santelli asked if he would comment on the efficiency that they have gotten with the K9 program and working with the Sheriff's Department. The K9 program was implemented earlier this year. Michael Nance commented that if it were not for the Sheriff's Department, the program just wouldn't work. He is the handler and attends training out at the Sheriff's Department twice a week, most weeks. He has fallen in love with the process and watching the dog work. Having the dog in the department has been very successful and has even been used for air sniffs at the courthouse as well. Michael Nance also wanted to comment on how great the partnership has been working with not only the Sheriff's Office but the Prosecutor's Office as well. Things work a lot better because they are all able to communicate and work together.

In the matter of Ordinance 2019-10 Temporarily Closing Bridge #32:

County Attorney Bob Clutter presented Ordinance 2019-10 temporarily closing Bridge #32, Creek Road over Sugar Creek, to any vehicular traffic. The bridge has experienced a greater volume of vehicular traffic since the closure of State Road 39 for the bridge repair, which the increased volume of traffic has caused some damage to Bridge #32. This bridge was recently repaired from previous damage at substantial cost the county and with the assistance of generous donations from the public. County Attorney Bob Clutter read the ordinance aloud in pertinent parts pursuant to state law.

Craig Parks, County Engineer, commented the concern with this bridge is that it is what they call a fracture critical bridge. The County has seen what could happen with one if it gets struck. With more traffic going across it, the higher the potential of it getting struck and cause damage.

Commissioner Tom Santelli asked what the projected completion date for State Road 39? Craig Parks replied that November 15th is the projected completion date.

****Commissioner Jeff Wolfe opened the meeting to public comments regarding Ordinance 2019-10 at 9:56am.****

Jeanette Manning, Thorntown Resident, commented that she does not often use Creek Road Bridge. Her concerns are if the County were to close Creek Road Bridge (#32) and Scotland Road Bridge (#41) at the same time. If something happens along the Blubaugh/Frankfort Road, there would be no other alternative access for her to get home without having to go all the way around the detour adding an additional 30-40 minutes to her travel.

Commissioner Tom Santelli asked Sheriff Michael Nielsen from an emergency access point, are we compromising the ability to respond if the County closes Bridge #32? Sheriff Michael Nielsen commented that weighing on the fact that it is a public safety issue keeping the bridge open, he thinks we have to weigh that in as well. There are other alternative routes that they would be able to take from a law enforcement standpoint.

Kirt Adams, Frankfort Resident, commented that he thinks if the County were to close both bridges is where the biggest concern is, not so sure if they were to close one versus the other. Most of these people live on the side where they have access to the stone bridge (#41).

Terry Grieshaber, Kirklin Resident, commented that he is a little confused. Is this a safety concern for people going over the bridge or a safety concern for the bridge itself being damaged? He just heard two different thoughts on that. Is it both? Or is one or the other? Commissioner Tom Santelli replied that he thinks when the Bridge (#32) was damaged before, it became unusable. Terry Grieshaber commented correct. Commissioner Tom Santelli proceeded with saying that he thinks it's both reasons in terms of it being a concern for the bridge and for the public safety. It is a weight limited bridge. Terry Grieshaber commented that looking at it as a private citizen driving a car over those two bridges, he feels a lot more comfortable going over the steel bridge (#32) than he is the old stone bridge (#41).

Commissioner Donnie Lawson asked Craig Parks is there some way we can restrict access to Bridge #32 without closing it? Craig Parks replied that the Boone County Highway Department has put staggered barricades on CR 200 E, every other road around the area, and people continue to either drive around or move the barricades. It's difficult to put something in place that will restrict drivers without it being moved or disregarded. Commissioner Donnie Lawson commented that his biggest concern for either one of these bridges is the safety of the public. He understands that someone's time is very important to them, but to allow the bridge to stay open and an individual potentially gets hurt is his concern. There are local drivers that cross these bridges and understand these roads, but you also have to think of the drivers being forced off SR 39 that are driving at a fast rate down these roads. Craig Parks also added that he has contacted Google and sent submissions to them of the road closures and detours, sometimes it gets picked up and other times it doesn't.

Kirt Adams, Frankfort Resident, commented on CR 200 E people are moving the barricades, he has seen it. Lately, over the last two weeks, it has gotten better. There aren't as many semis. The big concern is Google having you travel down CR 200E over the bridge (#41). Another problem, he doesn't know if it's because of the bridge (#41), but the sides of the roads are so steep. When people are going onto the bridge (#41) from the south side, people tend to get over a little too far and it pulls them into the ditch. He wonders if add a sign that says "No Shoulder" will maybe help them. Craig Parks replied that the Manual on Uniform Traffic Control Devices ("MUTCD") recommends not using a lot of signs as it has a reverse effect on safety. An example given was the Boone County Highway Department tried to temporarily close the road to grade the road, and people were still attempting to go down the road with a grader coming towards them.

Commissioner Tom Santelli commented that through all of this discussion the County is looking at three months for the closure of Bridge #32. We are looking at the potential that if we do not close the bridge that we are at risk of having significant deterioration to that bridge of which everybody has spent a considerable amount of time, money and effort in... it seems like a cost benefit to close the bridge. From this discussion standpoint, I think the facts are overwhelming towards what there on the side of caution and closing the bridge (#32). There's always an opportunity to review it if we need to.

Sheriff Michael Nielsen commented from an enforcement standpoint that they have been out to both areas for patrolling. They have also added radar signs because of the amount of traffic. Unless you put someone on each side of the bridge 24/7, you're never going to prevent someone from going across it unless you close it. He also added that if the Commissioners decided to close one, or both of those bridges, that traffic has to go somewhere. There are going to be other areas in the County where people are going to complain because now that traffic is being diverted somewhere else. The Sheriff's Department will be doing everything that they can to help get the County through this.

Commissioner Donnie Lawson asked Craig Parks asked if it would help at all if we added some kind of reflectors on each side of the bridge (#41) with the deep ditches? Craig Parks replied that the Highway Department has added delineators as close to the bridge as the possibly can before the closure even took place to make people aware of the sides. He will have his staff take a look to see if they can add more delineators further south and north of the bridge.

Ed Bowman, Kirklin Resident, commented that he personally made eight trips across the bridge (#41) on Saturday, six times in a pickup truck and twice in a tractor. He also admitted to moving the barricades to come out of Clinton County to navigate a turn. His truck weighs probably 14,000lbs with an empty load on, so he is more than legal to cross that bridge. He does have a problem coming from the county line and making it back to the north on the stone bridge, but if he can take up the whole area, he can navigate it with a 30ft trailer. In the 10-years that he has lived there, he has personally only seen one car go off the side of the road south of the bridge before you go up the steep hill. He has called in and complained about the gravel roads. The Boone County Highway Department came out and graded the road, then seven days later the holes were so big that at 25mph the road was difficult to navigate it. Adding to that, he would hate to see what the school bus would

look like traveling down that road. His major concern is that there is a lot traffic to/from Lebanon and Frankfort every day. A lot of those drivers don't realize that is a one lane road south of that bridge going up the hill. Locals pull over at Morton's Drive entrance and wait for the other car to pass. The County has added stone, and in his opinion, they have added way too much stone on the south side of the bridge, it rolls cars off on the side of the road. There has been about five cars that ended up on the side of the road during the last month. On the east side of the road there are overgrown tree limbs in the yard which scrapes up the side of the road. He believes from a public safety standpoint we need to do more and worry about the edge of the road, the narrowness of the road, the trees hanging over the road, and the loose gravel in the road. People are driving bumper to bumper racing down the road like they have somewhere to go. He is fed up with all the extra traffic. Close the bridge, close the road, get everybody out of the area, but that's going to add 20 more minutes for him to navigate from Kirlin to Lebanon. He doesn't know what the answer is, but if we look at the whole picture, we can eliminate some of the safety concerns that it is creating with the public. We might have to get creative and it might cost the County some money. Dust control has been discussed, but if we have to grade the road every seven days, the dust control isn't going to last. If we are talking 800 cars a day use that road, he thinks the County should be on the hook for some money since the County is using that road.

Commissioner Jeff Wolfe added some general comments. When you look at this situation the County is in with this particular road closure with SR39, it's very unique. Every alternative around the main bridge is not ideal. Correcting the safety issues doesn't slow the people down, it makes them go faster. Giving them more sightline, more road, more access... they go faster. The Commissioners are in a tough spot as they do not have a good alternative to give the residents. Bridge #32 is what's being discussed for this Ordinance today. If Bridge #32 were to become damaged to the point it has to be rebuilt again, the County will have a difficult time justifying the dollars to go towards that bridge another time. In the short-term effort to close the bridge while we are going through this process may save the future of that bridge. Between the County funds and donations collected, around 1million dollars have been spent to rebuild the bridge. For now, he thinks we should put a hold on the Scotland Road Bridge until we can determine where we are at. His personal opinion is that we have to protect the asset we have on Creek Road and also protect the people crossing the bridge, especially the non-residents. He believes this is the right thing to do today and more consideration for the other bridge is necessary.

Commissioner Donnie Lawson commented that one way to solve the problem would be to only allow local people to cross it, but legally we can't do that. Like he said before, his biggest concern is the safety for the people.

Commissioner Tom Santelli commented that his concern from a financial standpoint that the County could potentially have to restore the bridge again. It's a huge liability with what's going on and being communicated. He supports preserving that asset to their best abilities over the next three months.

Commissioner Jeff Wolfe asked Craig Parks what the structure would look like? Craig Parks replied that they would drive signpost into the ground and connect the barricades to that.

Commissioner Tom Santelli made a motion to approve Ordinance 2019-10 temporarily closing Bridge #32 with the \$1,000 fine. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0

In the matter Discussion on Establishing Cost of Video Reproduction for Public Records Request:

County Attorney Bob Clutter commented that this is something that he and the Sheriff have been working on. The video recordings on body cameras, in-car cameras, along with other cameras used throughout Boone County are available for public records. An ordinance will be drafted and presented to the County Council as it will include establishing a non-reverting fund. For instance, the FBI came out with a study that for every 1 hour of video, it takes up to 8-12 hours of review and redaction of that video. They are trying to figure out the cost that helps represent that amount. It would have to a detective or sergeant level, somebody with IT

experience, to be able to redact out confidential or protected information such as if a juvenile(s) were involved in the video.

In the matter of Library Board Appointment for Hussey-Mayfield Memorial Public Library:

The Town of Zionsville has requested that Christina Hage be appointed to the Hussey-Mayfield Memorial Public Library Board. They have also provided the Commissioners a copy of her resume. Her term will expire on December 31, 2022.

Commissioner Tom Santelli made a motion to approve the appointment of Christina Hage to the Hussey-Mayfield Memorial Public Library Board. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0

In the matter of ADP Contract:

The contract with ADP is a two-year agreement and the total annual investment is in the amount of \$97,182.00 based on the number of employees, so this amount may fluctuate.

Commissioner Tom Santelli made a motion to approve the ADP Contract. Commissioner Donnie Lawson 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

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

1. Construction in right of way permit (#201910029) for Michael Cline for an open road cut to install a tile at CR 400S at the Boone / Montgomery County Line.

Commissioner Tom Santelli made a motion to approve the construction in right of way permit for Michael Cline. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

2. Road closure permit (#201930008) for Michael Cline to close 400S at the Boone / Montgomery County Line on 08/19/19.

Commissioner Tom Santelli made a motion to approve the road closure permit for Michael Cline. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

3. Construction in right of way permit (#201910030) for Boone REMC to replace overhead poles on various roads throughout Boone County.

Commissioner Tom Santelli made a motion to approve the construction in right of way permit for Boone REMC. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

4. HIS Constructors Inc Change Order #1 on the east abutment of Project 2018-09, reconstruction of Bridge #207. This work was performed on a time and material basis. The change order increases the contract amount by \$3,956.99, resulting the new contract amount of \$799,936.51

Commissioner Tom Santelli made a motion to approve the HIS Constructors Inc Change Order #1. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

5. Task Order #8 on Butler, Fairman & Seufert's services agreement for the inspection services for Duke Energy's proposed fiber installation on various county roads. The project will be invoiced on an hourly basis with a total fee not to exceed \$15,000.

Commissioner Donnie Lawson made a motion to approve Task Order #8 on Butler, Fairman & Seufert's services agreement. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

6. The request to award the construction of Project 2019-02 Microsurfacing in various townships to Pavement Solutions Inc. for the base bid plus all alternate bids, excluding pavement markings. The Boone County Highway Department has requested to remove the thermoplastic on all of the roadways for this project. They will separately quote out as paint in a future project. The total amount of Pavement Solutions bid, minus the thermoplastic striping is \$293,411.90. A contract will be presented at the next commissioners meeting.

Commissioner Donnie Lawson made a motion to award Project 2019-02 to Pavement Solutions Inc for the base bid plus all alternate bids, excluding the thermoplastic striping. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

7. Due to the anticipated decrease receipts of MVH and decrease of budget for next year, the Boone County Highway Department is requesting the approval of the one mile listed as the top scorer on the memo for the 2020 Road Conversion Program.

Commissioner Tom Santelli made a conditional approval of the 2020 Road Conversion Program.

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

8. Change Order for Baumgartner to extend the contract substantial completion date on Boone County Project 2018-14 resurfacing in various townships from June 7th to June 28th. We have seen an excessive amount of rain this spring. This excludes the Ulen portion.

Commissioner Donnie Lawson made a motion to approve the change order for Baumgartner.

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

Abby Messenger, Environmental Health Specialist presented on behalf of Brett Peppin:

1. The request for two Health Department staff members travel out of state for a preparedness conference from August 26th to August 30th. The conference will be held in Alabama. Expenses for the conference are paid for by a grant.

Commissioner Donnie Lawson made a motion to approve the request for two Health Department staff members to travel out of state for the preparedness conference. Commissioner Tom Santelli 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 Glenn Beasley with the Facilities Department.

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

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 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 11:04 am.
Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.