

Boone County Board of Commissioners Minutes
October 21, 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 9:21am.

Approval of Minutes for October 7, 2019 (Regular Meeting):

Item tabled until the next meeting.

In the Matter of Legal Issues:

Attorney Bob Clutter presented the following items:

1. Performance Bonds for Harvest Park Section 6 for acceptance.
 - Storm Drains / Subsurface in the amount of \$150,882.05
 - Erosion Control in the amount of \$38,597.35

Commissioner Donnie Lawson made a motion to approve the acceptance of performance bonds for Harvest Park Section 6. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

2. 5311 INDOT Grant Invoice-Claim Voucher for the 3rd quarter in the amount of \$72,435 for ratification. Commissioner Jeff Wolfe executed the contract claim-voucher on October 11, 2019.

Commissioner Tom Santelli made a motion to approve the ratification of the 5311 INDOT Grant Invoice-Claim Voucher for the 3rd quarter in the amount of \$72,435. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

3. Boone County Workforce Confidentiality Agreement for any county employee that is working with confidential or protected health information as defined by HIPPA, or other privileged confidential information they may access to while performing their job responsibilities.

Commissioner Tom Santelli made a motion to adopt the Boone County Workforce Confidentiality Agreement. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

4. The letter of support for the Town of Kirklin's proposal to the Department of Natural Resources ("DNR") for the Next Level Trails grant to fund the section of the Monon Trail. The Boone County Commissioners intend to adopt in the near future an ordinance allowing Kirklin to own land in Boone county and then deed that land back to Boone County within three years of completion of the trail. Commissioner Jeff Wolfe added the comment that Kirklin did not ask for any financial support, only a letter of support.

Commissioner Donnie Lawson made a motion to approve the letter of support to DNR. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

5. Kent Eastwood, County Prosecutor, presented the request authorize the County Auditor Heather Myers to execute the renewal of the STOP Grant.

Commissioner Tom Santelli made the motion to authorize the County Auditor to execute the renewal of the STOP Grant. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Bid Opening for Project 2018-06, Bridge #161 Replacement:

*** Bid opening began at 9:26 am.***

1. **Bidder's Name:** Hoosier Pride Excavating, Inc.
Date Received: October 21st at 7:59 a.m.
Total Bid Amount: \$406,053.90
2. **Bidder's Name:** Duncan Robertson, Inc.
Date Received: October 21st at 8:03 a.m.
Total Bid Amount: \$369,478.40
3. **Bidder's Name:** Schutt-Lookabill Co., Inc.
Date Received: October 21st at 8:03 a.m.
Total Bid Amount: \$499,601.06
4. **Bidder's Name:** HIS Constructors, Inc.
Date Received: October 21st at 8:05 a.m.
Total Bid Amount: \$538,608.97
5. **Bidder's Name:** White Construction
Date Received: October 21st at 8:05 a.m.
Total Bid Amount: \$583,000.00

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

In the Matter of 16 Days of Activism Display:

Item was tabled.

In the Matter of Veterans Day Program:

Mike Spidel, Veterans Affairs Service Officer, presented the request to have a Veterans Day Program in the courthouse rotunda on Friday, November 8th at 10am.

He also added that there will be a Veterans Day Breakfast at the YMCA on Saturday, November 9th. Last year they fed 150 veterans.

Commissioner Tom Santelli made a motion to approve the Veterans Day Program on Friday, November 8th at 10am. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Copier RFP Release:

Sean Horan, IT Support, presented the request to release a request for proposal "RFP" for copier, printer and fax services to the public. RFP responses will be due back by Wednesday, November 27th and opened in a public meeting on December 2nd by the Boone County Commissioners

Commissioner Donnie Lawson made a motion to approve the release of the request for proposal ("RFP") for copier, printer, and fax services. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

In the Matter of Ordinance 2019-11 Establishing a Non-Reverting Fund for Railroad Grade Crossing Reimbursement from INDOT:

County Attorney Bob Clutter presented Ordinance 2019-11 Establishing a Non-Reverting Fund for Railroad Grade Crossing Reimbursement from INDOT. In September the county received a letter of award for a grant from INDOT in the amount of \$23,427.50 for fiscal year 2020. The monies must be used for improvements for railroad grade crossings in Boone County. State Board of Accounts recommends establishing a non-reverting fund to receive those funds into. County Attorney Bob Clutter read the ordinance aloud in pertinent parts pursuant to state law.

Commissioner Tom Santelli made a motion to approve Ordinance 2019-11 Establishing a Non-Reverting Fund for Railroad Grade Crossing Reimbursement from INDOT. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Ordinance 2019-12 Amending Boone County Code Section 70.05 Relating to Off-Road Vehicles on County Owned Right-of-Way:

County Attorney Bob Clutter presented Ordinance 2019-12 Amending Boone County Code Section 70.05 Relating to Off-Road Vehicles on County Owned Right-of-Way. In 2015 the Commissioners adopted an ordinance relation to the operation and registration of Off-Road Vehicles, commonly known as ATVs. One of the requirements of that ordinance is that there would an annual registration every January in the amount of \$25.00 through the Highway Department and they would issue a permit. It has been requested to extend the registration up to three years for a fee of seventy-five dollars. County Attorney Bob Clutter read the ordinance aloud in pertinent parts pursuant to state law.

Commissioner Tom Santelli made a motion to approve Ordinance 2019-12 Amending Boone County Code Section 70.05 Relating to Off-Road Vehicles on County Owned Right-of-Way. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the Matter of Declaring Voting Booths as Surplus:

Jessica Fouts, County Clerk, submitted a memo requesting to declare voting booths surplus that are currently being stored and will no longer be needed. These voting booths were given to us by Montgomery County, not purchased. The Clerk's Office will be implementing using the new vvpap machines with each individual voting machine and there is not room for both devices.

The Commissioners requested the total amount of booths and description to keep on record.

Commissioner Tom Santelli made a motion to approve declaring the voting booths surplus. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

In the matter of Old Business:

1. Judge Lori Schein presented the request to use the courthouse for the Pro Bono Legal Clinic that is held by the Wabash Valley Volunteer Attorneys on the following dates:
 - Thursday, November 14, 2019 from 9am – 12pm
 - Thursday, December 12, 2019 from 9am – 12pm
 - Thursday, January 9, 2020 from 9am – 12pm
 - Thursday, February 13, 2020 from 9am – 12pm

They are requesting to use the space previously used in the courthouse, if the space is not available, Circuit Court is willing to people to use the jury room for the meetings with attorneys.

Commissioner Tom Santelli made a motion to approve the request to use the courthouse for the Pro Bono Legal Clinic. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

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

Max Mendenhall, Team Leader for Highway Department presented the following items:

1. Construction in Right-of-Way Permit (#201910038) for BMS Groups, LLC for 160ft of directional boring parallel to the pavement at 3405 S CR 875 E.

Commissioner Donnie Lawson made a motion to approve Construction in Right-of-Way Permit (#201910038) for BMS Groups, LLC. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

2. Construction in Right-of-Way Permit (#201910039) for Boone REMC for 7,175ft of pole removal/replacement at 500 N east of SR 39 and 150 W south of 750 S. There is a blanket bond on file.

Commissioner Tom Santelli made a motion to approve Construction in Right-of-Way Permit (#201910039) for Boone REMC. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

3. Supplemental Agreement No. 2 with USI Consultants for construction part-time inspection services on Bridge #161, Project 2018-06. Services will be invoiced at an hourly rate for a total not to exceed fee of \$30,000.

Commissioner Tom Santelli made a motion to approve Supplemental Agreement No. 2 with USI Consultants. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

4. Change Order #5 with E & B Paving, Inc in the amount of -\$28,388.35 for Project 2018-05, 96th Street Resurfacing and Curve Correction. This results in a final contract amount of \$292,248.36.

Commissioner Donnie Lawson made a motion to approve the final change order with E & B Paving, Inc. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

5. Commissioner Donnie Lawson made a motion to table the change order for Project 2018-14, Resurfacing in Various Townships. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

6. Recommended that award of Project 2019-03, Crack Sealing in Various Townships to Freehill Asphalt in the amount of \$148,786.00. They were the lowest responsible, responsive bidder and were below the Engineer's estimate.

Commissioner Tom Santelli made a motion to approve the awarding of Project 2019-03, Crack Sealing in Various Townships to Freehill Asphalt subject to authorizing Commissioner Jeff Wolfe to review the contract with County Attorney Bob Clutter and to execute the documents. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.

7. Task #9 with Butler Fairman and Seufert to coordinate and administer Subsurface Utility Engineering (SUE) Efforts for the Boone County Bridge #154 Project, CR 500 W over North Fork of Big Walnut Creek. The work to be completed for the Subsurface Utility Engineering will be in a lump sum amount of \$2,960.

Commissioner Donnie Lawson made a motion to approve Task #9 with Butler Fairman and Seufert. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

8. The request to declare two pieces of Highway Department equipment as surplus.
 - 2012 Freightliner Dump Truck
 - Excavator thumb attachment that was cut off

Commissioner Donnie Lawson made a motion to approve declaring the two pieces of Highway Department equipment as surplus. Commissioner Tom Santelli seconded the motion. Motion carried 3-0.

9. Boone County has been notified of another Community Crossings Grant award. The total award for this is \$425,027.79 and takes our total award amount in 2019 to \$999,999.59, nearly the maximum of \$1,000,000. INDOT will be presenting the Commissioners with the check on behalf of the Highway Department this afternoon.
10. Last Friday, Boone County Highway Department's held their second annual Snow Plow "Road"eo. They start the morning off with a couple hours of winter operations training. Then they divide up into a team challenge. During the afternoon they had a course set up to test the driver's skills. Jeff Tharp was the winner for the straight blade plow truck and Jason Holmes was the winner for the v-blade plow truck.

Other Elected Officials:

Debbie Ottinger, County Treasurer, wanted to take the opportunity to let everyone know that the last day for the fall tax collection is Tuesday, November 12th. She also wanted to make it publicly known that the Treasurer's office does offer an online paying option. Adding that Sean Horan and the GUTS team have done a great job working with their office and Invoice Cloud.

Appeal Request - Township Assistance Action:

There is a statutory procedure that if an individual is denied assistance by the township trustee, he/she may appeal the decision. Shasta Wagner has requested an appeal after being denied assistance by the Town of Zionsville Public Assistance on October 7, 2019. Shasta Wagner was present at today's meeting. Doris Preyer, Deputy Director of Court and Public Assistance for the Town of Zionsville was also present. Shasta came forward to inform the board of her current living situation, employment, financial hardship, chronic illness, and is requesting assistance. Doris Preyer, Deputy Director, one of her primary rolls is to process public assistance applications. One of the primary qualifiers to get approved for public assistance is that you cannot exceed 150% of the poverty level. Unfortunately, for this application, Ms. Wagner was over that by a few hundred dollars and that is why they were unable to approve her. They do care and are sympathetic to her situation, but their guidelines are for people under 150% of the poverty level.

Commissioner Jeff Wolfe commented that the Commissioners appreciate Ms. Wagner for coming her today and how brave she is to tell her story in front of the board and all these people. While the Commissioners may have some type override power, the county does not have any budget amount set aside for assistance. The Commissioners will do some research and discuss with the Town of Zionsville to see what remedies may be available. They will be in contact with Ms. Wagner in the next 48-hours with any information they can share.

In the Matter of Public Comments:

There was none at this time.

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 10:32 am. Commissioner Donnie Lawson seconded the motion. Motion carried 3-0.