

Boone County Board of Commissioners Minutes
July 20, 2020
Connie Lamar Meeting Room
Boone County Government Building

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

Commissioners Absent:

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

Board President Donald Lawson opened the meeting at 9:07 am.

Approval of Minutes for July 6, 2020 Meeting:

Item was tabled.

In the Matter of Legal Issues:

Attorney Bob Clutter presented the following items:

1. Bonds for Perry Industrial Park Sec 3 Lot 6
 - Accept maintenance bonds for storm drains and erosion control in the amount of \$33,259.88.
 - Release performance bonds for storm drains and erosion control in the amount of \$133,039.50.

Commissioner Wolfe made a motion to approve the bonds presented at today's meeting.

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

In the Matter of Request for Use of the Fairgrounds:

Rachel Cardis, Area Plan Director, presented the request to use the Farm Bureau Building at the fairgrounds for a BZA hearing on Monday, July 27th from 6 pm to 8 pm. She has coordinated with Jack Jones and confirmed the building is available for use. The notices of the hearings have been published. Jack Jones, Manager of the fairgrounds, commented that in light of the recent developments, he is unsure if they can allow the meeting to be held at the fairgrounds. He feels that the management of the fairgrounds has lost control over the events on the property. He believes the BZA meeting will be heavily attended and has concerns about social distancing, so he no longer believes the building is available for the meeting. Rachel Cardis added that she did speak with Jack Jones. She understands that COVID-19 has been a fluid situation and would respect the commissioners' decision. One of the three petitions scheduled for the BZA hearing is for the slaughterhouse petition, so it will possibly be heavily attended with a lot of contentiousness. The other petitions are for people who are wanting to build a home. Those petitions will be heard first so that they can leave immediately after. County Attorney Bob Clutter asked Rachel to confirm that BZA held public hearings at the building last month that allowed for social distancing. Rachel responded that was correct. She arranged with the health department to do a walkthrough of the space to meet social distancing requirements. The slaughterhouse petition was originally scheduled for March 2020. It was postponed for several months due to State of Emergency. It was then rescheduled for June 23rd and the petitioner failed to do proper notification which resulted in cancellation. If the meeting on Monday is canceled, this will be at least the fifth month of discontinuation, and there are many surrounding property owners following this petition to attend the hearing. Sheriff Michael Nielsen has commented that Rachel has been great to work with during these meetings. The Boone County Sheriff's Office will have staff attending the meeting to provide security. Commissioner Santelli commented that the reason for use of the buildings at the fairgrounds is to allow county offices to continue conducting business while allowing for social distancing. Rachel has coordinated with the health department and the sheriff's office to ensure the appropriate steps are taken to keep staff and the public safe. Commissioner Wolfe asked Jack if he had spoken with the Fair Board regarding his recommendation. Jack responded that he had not, but he would challenge the commissioners at this point to have County Attorney Bob Clutter review the lease to see if they have the authority to make decisions for

buildings at the fairgrounds. Commissioner Lawson reminded Jack that the commissioners own the property of the fairgrounds. They are in their right to make decisions. Commissioner Wolfe asked if anyone from the fair board was present at today's meeting to address any concerns? Nikki Hollingsworth stated that she is willing to talk about it, but she doesn't know much about the hearing. Jack Jones commented that he appreciates everything the county has done for the fairgrounds, but he has concerns about the commissioners authorizing the use of the buildings. Jack then proceeded to talk about the lost revenue due to the cancellation of events over the past couple of months at the fairgrounds. Commissioner Wolfe commented that the meetings and events canceled at the fairgrounds earlier this year would have been prohibited per Governor Holcomb's orders. He also added that none of the State of Emergencies put in place by the commissioners had anything to do with the closures in Boone County. Those closures were due to the orders issued by Governor Holcomb, and the County Commissioners support it. He fully understands the fairgrounds loss of revenue; along with every church, charitable organization, or organization that meets in large masses that have lost their revenue as well.

Commissioner Santelli made a motion to approve the request of use for the Farm Bureau Building at the fairgrounds for the July 27th meeting, conditional to the commissioners meeting with the fair board no later than tomorrow for a final decision. Commissioners will notify the appropriate individuals if there are any changes. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Request use of the Courthouse Rotunda:

Craig Parks presented a request on behalf of Freedom Church to use the courthouse rotunda after hours. There would be a total of ten people to go Facebook live/record acoustics for Worship Night. The date is to be determined.

Commissioner Wolfe made a motion to approve the request to use the courthouse rotunda. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Memorial Dedication for Judge James R. Detamore:

Kelly Peisker, a county resident and daughter of Judge James R. Detamore, presented the request for a memorial dedication to commemorate his passing. She provided several examples of benches, rocks, or plaque. A bench outside of the courthouse is favored by the family. There are three different types of materials for benches used around the courthouse, so they provided examples that are similar to the already existing ones. The Boone County Bar Association has contacted the family, and they will be having a conversation with them this afternoon about possibly contributing towards the memorial dedication. Commissioner Wolfe commented that the commissioners would like to take this under advisement to meeting with facilities for further discussion to identify the best possible option. They are currently working on landscaping outside the courthouse and would like to incorporate their decision into those plans. The commissioners' secretary and facilities will be in contact with the family.

In the Matter of Discussion on Upcoming Election and COVID:

County Clerk Jessica Fouts commented that all are aware of the situation that occurred with the Clerk's office during the primary election. She is here today to ensure that the general election runs smoothly as possible and to ensure that her office can remain open while she performs her duties as County Clerk in person and at the office. She is aware that this is an ever-changing matter. Her issues stem from the lack of consistency on how COVID-19 is and has been handled. If she or her spouse needs to stay in a hotel to ensure that she can continue to operate within the office, she will but at who's expense? The County Commissioners have not taken a firm stance on returning from vacations. She is having the Clerk's staff follow recommendations on receiving a negative test and/or wear a mask. She believes the Sheriff's office, Prosecutor's office and Clerk's office are the only offices that have followed this guideline as many other county employees have traveled to

Florida, a known hotspot, and return to work without wearing a mask. She does not want to dwell on how the virus has been handled up to this point but focus on a plan the future. She proceeded to address how she is a constitutional office holder commissioned by the Governor in the State of Indiana to conduct the presidential election. The selection is already very contentious, and she needs to fulfill her responsibility to the voters who have put their faith in her. She is not willing to jeopardize the election by her absence in her office. She spoke with the Sheriff and he confirmed that he has no intentions on stopping the COVID testing for BCSO deputies. This puts her in a unique situation that is different than any other elected official. The federal government has identified election workers as essential employees, part of the critical infrastructure for the United States. She wants to develop a plan with the Commissioners that will ensure the Clerk's office will remain open and fully staffed from September 1st through November 5th without disruption. She is requesting to develop an election task force or that she be added to the Unified Command. Commissioner Wolfe commented that it sounds like she is wanting the commissioners to guarantee that she can come to work. Jessica responded that the federal government states she can come to work, regardless. County Attorney Bob Clutter responded that is not what it says, not if she tests positive for COVID. Jessica reiterated that she is wanting to develop a plan if her spouse tests positive for COVID and she does not. Commissioner Santelli stated that the commissioners will continue to support and follow the CDC and Governor's guidelines put in place. She requested direction on if she needs to split her staff, rent a hotel, etc. – what does she need to do to keep her office open and operational? Commissioner Wolfe stated that will schedule a meeting with Jessica to discuss a plan moving forward. No further action was taken at this time.

In the Matter of Discussion on ADP Contract Suspension / Termination:

County Attorney Bob Clutter commented that previously the commissioners authorized him to contact ADP regarding a possible suspension of the contract. A conference call has been set up with representative from ADP. There were four possible options presented for the commissioners to consider:

1. Utilizing their terms Power Through and proceed with implementation. No date was provided on when that would occur.
2. Proceed with the implementation within 60 days, during the suspension there would be a suspension of payments. This would then extend the life of the contract an additional two months towards the end of the contract with payments.
3. Cancel the contract – buy out fee waived if the County signed/re-signed a new contract by December 20th
4. Cancel the contract with a buy out fee of \$44,719.88 which is based upon 50% calculation of the fees remaining to be paid. He added that the Council did not fund payroll services for 2021.

Commissioner Wolfe made the comment that none of those options meet the County's needs.

Commissioner Wolfe made a motion to terminate the agreement with ADP.

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

In the matter of COVID-19 Update and Consideration of Resolution Declaring State of Emergency:

Tom Ryan, Preparedness Coordinator, addressed that some of the health department decisions will not always be popular but they are based on the guidelines provided by the state and federal to protect our community. He reported that Boone County is at 589 total cases; 20 of the positive cases were reported over the weekend and none of those were tied to a long term care facility. Tom Ryan supports declaring a State of Emergency with all the anticipated changes for the safety of the community regarding schools and events.

County Attorney Bob Clutter presented Resolution 2020-17 Declaring a State of Emergency and read it aloud in pertinent parts pursuant to state law.

Commissioner Santelli made a motion to approve the Resolution 2020-17 Declaring a State of Emergency. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the matter US Bicycle Route 37 through Boone County:

Kerry Irons requested a Letter of Support for US Bicycle Route 37. The Boone County Highway Department has worked with Kerry Irons to modify the map to be appropriate for Boone County and put the route on a map. Please see PowerPoint presentation **(Appendix #2)** County Attorney Bob Clutter had a minor revision to the letter that any signage on the route would be supplied by a third party and approved by the Boone County Highway Department.

Commissioner Wolfe made a motion to approve the Letter of Support for US Bicycle Route 37 with County Attorney Bob Clutter's revision. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the matter of Old Business:

There was no old business for today's meeting.

In the Matter of Staff Reports

- a. APC – Rachel Cardis
- b. IT Support – GUTS
- c. Health Department – Lisa Younts / Brett Peppin
- d. Highway Department & Facility Maintenance – Craig Parks

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

1. Construction in right-of-way permit (#202010029) for Boone REMC at CR 350 N / CR 900 W to CR 450 N / CR 1100 W for underground linear construction / bores. The Boone County Highway Department recommends approval.

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

2. Construction in right-of-way permit (#202010030) for TDS at 6325 S 275 E for underground linear construction/bores. The Boone County Highway Department recommends approval.

Commissioner Santelli made a motion to approve the construction in right-of-way permit (#202010030) for TDS. Commissioner Wolfe seconded the motion. Motion carried 3-0

3. Construction in right-of-way permit (#202010031) for Citizen Energy Group at 6827 W 96th Street for a tap pit. The Boone County Highway Department recommends approval.

Commissioner Wolfe made a motion to approve the construction in right-of-way permit (#202010031) for Citizen Energy Group. Commissioner Santelli seconded the motion. Motion carried 3-0

4. Road closure permit (#202030011) for CTL Engineering at Bridge 41 three hundred feet south of CR 950 N on July 16 – July 20, 2020 from 8am – 5pm. The Boone County Highway Department recommends approval.

Commissioner Wolfe made a motion to approve the road closure permit (#202030011) for CTL Engineering. Commissioner Santelli seconded the motion. Motion carried 3-0

5. Conexco Inc. Quote to install rip rap and replace guardrail on Mayfield Lane Bridge in the amount of \$48,500.

Commissioner Wolfe made a motion to approve the Conexco Inc. Quote.

Commissioner Santelli seconded the motion. Motion carried 3-0

6. Indiana Department of Transportation Change Order No. 2 for the repairs of Bridge 202. This Change Order is in the amount of \$4,426 modifying the contract amount to \$1,941,418.76 from \$1,935,259.39 including previous approved changed. This is relating to construction ability on trail repairs. Commissioner Santelli made a motion to approve the Indiana Department of Transportation Change Order No. 2 for the repairs of Bridge 202. Commissioner Wolfe seconded the motion. Motion carried 3-0.
7. Daprato Rigali Studios quote for Circuit courtroom plaster and paint restoration in the amount of \$16,400.00. Commissioner Wolfe made a motion to approve Daprato Rigali Studios quote for the courtroom Commissioner Santelli seconded the motion. Motion carried 3-0

In the Matter of Other Elected Officials:

Elise Nieshalla, councilmember, thanked all Elected Officials/Department Heads for their participation and input during the budget workshops.

She also requested clarification regarding the COVID-19 testing. What is the status of who is being tested? Is the number of hospitalizations and deaths going up, going down, or remaining stable? Commissioner Santelli responded that there is a spike of positive cases, but that has not been seen with the number of deaths. Tom Ryan commented that there has been a slight increase in the number of patients coming into the hospital recently.

In the Matter of Public Comments:

There were no public comments at today's meeting.

In the Matter of Claims presented in today's meeting

See **(Appendix #3)**

Commissioner Santelli made a motion to approve claims as submitted. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Mail

See **(Appendix #4)** for a list of mail opened by the Commissioners on this date.

With no further business, Commissioner Santelli made a motion to adjourn at 10:26am. Commissioner Wolfe seconded the motion. Motion carried 3-0.