

Boone County Board of Commissioners Minutes
August 10, 2020
SPECIAL MEETING
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 9:06 am with the pledge of allegiance.

In the Matter of Legal Issues:

Attorney Bob Clutter presented the following items:

1. The Section 5311 Federal Highway Rural Transit Grant quarterly invoice request for Boone County Senior Services (BCSSI) in the amount of \$98,009.00 to be ratified. This was submitted on August 4th.

Commissioner Wolfe made a motion to approve the quarterly invoice for the Section 5311 Federal Highway Rural Transit Grant to BCSSI. Commissioner Santelli seconded the motion.

Motion carried 3-0.

2. The Boone County Highway Department is ordering two new dump trucks and needs to get them outfitted. Presented today is the funding invoice, related purchase orders, certificates for tax, odometer disclosure statement, and the warranty agreement for Commissioner Lawson's signature. County Attorney Bob Clutter has reviewed the documents. The highway department recommends approval.

Commissioner Wolfe made a motion to authorize Commissioner Lawson to execute the said documents for the purchasing of two new dump trucks. Commissioner Santelli seconded the motion.

Motion carried 3-0.

In the Matter of Request to use Courthouse for a Vote Center:

Jessica Fouts, County Clerk, submitted a letter to the commissioners requesting to use the courthouse for a Vote Center during the general election in 2020 for the following dates/times:

- Saturday, October 24th 8am-4pm
- Monday, October 26th 1pm-8pm
- Tuesday, October 27th 1pm-8pm
- Wednesday, October 28th 1pm – 8pm
- Thursday, October 29th 1pm-8pm
- Friday, October 30th 1pm-8pm
- Saturday, October 31st 8am-4pm
- Tuesday, November 3rd 6am-6pm

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

In the Matter of Contract Amendment with Civilcon, Inc. for Engineering Design of Small

Structures: County Attorney Bob Clutter presented the agreement with Civilcon, Inc. for the small structure and bridge replacement. The amendment will be for the four culverts that were discussed at the previous commissioners' meeting. Craig Parks requested the board to authorize him as a signatory of the amended agreement once it is received.

Commissioner Wolfe made a motion to approve Craig Parks as the authorized signatory for the Civilcon, Inc. contract amendment. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Discussion Relating to Culverts / Small Structures:

Craig Parks, County Engineer, previously shared with the board a small structure report that was received from SJCA. The top four structures with the lowest load rating are 300 S (8 ton), 750 N (8 ton), 900 W (6 ton), 400 E (8 ton). An ambulance or fire apparatus would not be able to cross it without being at risk. His professional recommendation would be to close those road segments until they are reconstructed and replaced. Commissioner Wolfe commented that we have a situation here that the board doesn't have much of a choice – with the information provided by the engineering firm and the county's professional engineer – these structures are not safe. He has talked to Craig Parks extensively about this, and there's really no way around it. We've got to do something about it to keep our residents and those traveling the roads safe. He instructed County Attorney Bob Clutter to draft an ordinance relating to the closures. County Attorney Bob Clutter noted that the next Commissioners Meeting is being held at Boone County Fairgrounds on Monday, August 17th at 9am. The reason the commissioners are having the meeting there is so that a lot of people can attend for an unrelated issue, and it may be best to list the ordinance on the agenda for the same date.

Commissioner Wolfe commented that it is important to note that the four small structures being discussed, though they are known as culverts, pedestrians and drives look at them like bridges. They are concrete structures that are large and not just a tube. It is important for the public to understand that they are not discussing what people traditionally think of as a culvert. These are constructed similar to bridges but not large enough to be considered as a large structure – federal Indiana law requires 20ft or greater.

County Attorney Bob Clutter also added that he knows a lot of people are putting a lot of stress on the SJCA report, but all the report has done is confirm what Craig Parks and Nick Parr has been saying for some time as they have pointed out that these culverts need some attention. Craig Parks commented all funding aside, the Boone County Highway Department's primary vision is to get people to their destination safely.

The method of closure would be a detour established, right at the structure drive u-channel posts within the barricades, and put some sort of aggregate on top of it. There will probably be staggered barricades where the detour signs are posted to give people that live on those roads access.

In the Matter of Resolution 2020-20 Renewing a State of Emergency:

Tom Ryan, Preparedness Coordinator, made the recommendation to extend the State of Emergency based on the positivity rate that is inclining. The encouraging news is that the Witham Hospital's census is not. The health department is doing everything it can to help the community and slow the spread. Schools are continuing to open and having classes in person. They would like to continue to be

available for any of their needs. County Attorney Bob Clutter read the Resolution 2020-20 Renewing a State of Emergency aloud in pertinent parts pursuant to Indiana State Law.

Commissioner Wolfe made a motion to approve Resolution 2020-20 Renewing a State of Emergency. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the matter of Old Business:

There was none at this time.

Other Elected Officials:

Commissioner Santelli had a few items he would like to discuss.

1. Sarah Moore with Hussey-Mayfield Memorial Public Library (HMMPL) has requested the County Commissioners to nominate someone to represent the HMMPL Worth Branch Advisory Group. Commissioner Santelli would recommend appointing Ken Newell and has shared his resume with the board. Commissioner Wolfe requested County Attorney Bob Clutter to review the plan that has been put together for the advisory board in Worth Township from a statutory standpoint before making the appointment.
2. Some counties have put forward ordinances/resolutions on officer harassment where an officer is being harassed during their normal course of duties and that there are appropriate course of actions that can be taken legally. He would like to introduce that as an item for discussion and consideration.
3. He has received complaints from local restaurant owners that are struggling with the issues around the pandemic and then they have a food truck parking across the street from the restaurant offering similar food for lower cost. This is another item he believes they should have a discussion on. County Attorney Bob Clutter commented that the Boone County Health Department issues licenses from a food and safety standpoint. He believes what Commissioner Santelli is referring to is an ordinance as to where the food trucks could operate, and that would generally be within the city and towns where they would issue their own ordinances.

Elise Nieshalla, councilwoman, reminded everyone that the council meeting will be on Thursday, August 13th at 8:30am with a special budget meeting following immediately after.

In the Matter of Public Comments:

Craig Parks commented that Jay Harmon, who is a grader operator at the highway department for 34 years, has announced on Friday announced that he is retiring. Thursday will be his official last day. Craig would like to do something special for him at a later date recognizing and thanking him for his many years of service for the county.

Dennis Dunlap, Dunlap HR Consulting, commented that Wage and Hourly Division issued more clarification on what constitute a school closing. If students are still doing virtual learning, the school is not considered closed, so the employees would not be eligible for the 10 days under EFMLA.

In the Matter of Document Signing:

1. An affidavit for payment to Butler Fairman & Seufert in the amount of \$900 for the courthouse south walk entrance.

Commissioner Wolfe made a motion to approve the affidavit for payment to Butler Fairman & Seufert. Commissioner Santelli seconded the motion. Motion carried 3-0.

With no further business, Commissioner Santelli made a motion to adjourn at 9:43 am. Commissioner Wolfe seconded the motion. Motion carried 3-0.