

Boone County Board of Commissioners Minutes
August 17, 2020
Connie Lamar Meeting Room
Boone County Fairgrounds Farm Bureau Community 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 9:34 am.

Approval of Minutes for July 20, 2020 Meeting:

Commissioner Wolfe made a motion to approve the minutes presented at today's meeting. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Legal Issues:

Attorney Bob Clutter presented the following items:

1. Certification Form for Equal Employment Opportunity Plan (EEOP) to be ratified at today's meeting. Commissioner Lawson signed the certification on August 10th for the Boone County Prosecutor's Office to submit.

Commissioner Santelli made a motion to approve ratifying the Certification Form for Equal Employment Opportunity Plan (EEOP). Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Resolution 2020-21 Renewing a State of Emergency:

County Attorney Bob Clutter presented the Resolution 2020-21 and read it aloud in pertinent parts pursuant to Indiana State Law. Tom Ryan, Boone County Preparedness Coordinate, provided an update on the most recent data of positive COVID-19 cases within Boone County. The county has seen an increase from a 4.71 to 7.94 positivity rate from two weeks prior, not to include last week. As schools and other programs continue to open, Tom would recommend extending the State of Emergency.

Commissioner Wolfe made a motion to approve Resolution 2020-21 Renewing a State of Emergency. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Discussion of the Boone County 4-H Fair:

Kurt Strueh, Zionsville Resident, presented a PowerPoint presentation to address questions/rumors that were circulating around Boone County as to who made the decision, why the decision was made, and if there was any financial gain for the county to cancel the Boone County 4-H Fair for 2020.

Items included in the PowerPoint Presentation:

- The letter emailed to all 4-H members/families notifying them of the cancellation received from the 4-H Fair Board and Purdue Extension.

- Number of positive COVID-19 cases posted on the Indiana State Department of Health (ISDH) website for Boone County and surrounding counties during what would have been the fair week. Following with the question of why the Witham Pavilion at the 4-H Fairgrounds would potentially be closed to the public for use as an overflow triage facility for Witham Hospital.

County Attorney Bob Clutter addressed that Boone County has been under a State of Emergency that was first declared on March 17th and reinstituted every week until it lapsed on June 22, 2020. It was expired roughly for a month. On July 20th the commissioners made the decision to reinstitute the State of Emergency due to the increase of positive cases of COVID-19 and in conjunction with the governor's orders. The State of Emergency continues to remain in effect to date. By doing so, this allows the commissioners to respond rapidly during emergency situations, such as using the Witham Pavilion for the hospital's overflow. The commissioners rely on the hospital to tell them if they need that space for overflow, and we have been very fortunate that the hospital has not needed to. As a precaution, the commissioners and health department have begun the preparations of purchasing and collecting donated supplies. Commissioner Lawson added that another reason the county is under the State of Emergency is so that he can authorize departments, such as the Sheriff's Office, to order PPE immediately to protect the people in this county. Commissioner Santelli followed with a comment adding that it also allows Commissioner Lawson to make an immediate decision to close government offices/buildings that have been exposed to the virus to be disinfected and cleaned.

- It was rumored that the county receives \$13,000 per positive COVID-19 test while under the state of emergency. How much money did the county receive from federal funding during the week of what should have been the Boone County 4-H Fair? If this is about money and not medical reasons, Kurt would recommend that the amount of money received from the federal government for that week be donated to the Boone County 4-H.

The county attorney and commissioners have no idea where the \$13,000 amount came from. The commissioners are currently in the process of putting together a list of eligible expenses to submit for their CARES Act application. The CARES Act is reimbursement of accrued COVID related expenses – cleaning/disinfecting buildings, PPE, makeshift hospital, etc.

- Demographics of those who have tested positive and the mortality rate of COVID-19 as it had been rumored that there was fear of children dying from COVID. Images of the flea market that took place about a half a mile down the road from the Boone County 4-H Fairgrounds and the Lebanon Water Park on July 18th when the county fair should have been opened. It was asked why does it seem like only the Boone County Fair was targeted during this State of Emergency? Why are all these kids in the pool if we are worried about kids dying or catching and transmitting the disease?

Commissioner Santelli wanted to clarify that the commissioners do not want anyone to contract the virus, not just a specific age group. The objective is to not have anyone exposed, contract, or transmit the disease. Commissioner Wolfe commented that the commissioners can give advice, but they can't mandate how the municipalities operate. County Attorney Bob Clutter also added that the commissioners have not closed anything, with the exception of the closures of government buildings/offices for disinfecting and restricting access by appointment. Closures of the schools, festivals, etc. were not decisions made by the commissioners but by the provisions of the governor's

orders or based on the recommendations made by the Health Officer the Health Department and County Commissioners.

- Late afternoon of July 17th a group of parents and volunteers made arrangements with the Clinton County Fairgrounds to have a County Line Expo. It was stated that the Boone County Health Department contacted the Clinton County Health Department for information regarding the Expo. There was an image of a text message shown where an individual requesting to pull the permit. Additionally, it was rumored that a Boone County Commissioner drove to Clinton County to try and shut down the Expo.

The commissioners all confirmed that was false information on the attempts of Boone County to have the Expo shut down. It was also confirmed that the individual that sent the text requesting to pull the permit was not a Boone County Commissioner nor a Boone County employee.

Commissioner Wolfe commented that all three of the commissioners have been long time residents of Boone County. Many people in this room know us, and I would be disappointed if people believed in the accusations presented at today's meeting or to think that we would do anything to damage the 4-H Group in this county. If a group of people felt there was a lower level of risk than we did, well that's two different opinions. We have been charged as County Commissioners to protect the people of this county to our best ability. That is what we are trying to do. I guarantee you that we have made mistakes, no question about that, but I would much rather error on the side of protecting these kids and the community than to error on the side of putting them at risk. The 4-H Fair Board had a choice to make. The commissioners and the health department met with them to discuss the statistics and protentional risks that were involved. The commissioners told them that their decision would be supported 100% either way they went. Kurt replied that was exactly what he wanted to hear – that the Boone County Commissioners support 4-H and that 4-H still has a voice.

Beau Burtner, a Thorntown Resident, thanked the commissioners for saying that they support 4-H. It had already been stated that the health and care of the community is your priority, and it should be, I appreciate that. Has the number of people wearing masks and social distancing shown to have a major effect on the decrease of spreading COVID? Is there some reason that it was thought we couldn't do that during the 4-H? Or was it just because of the potential use of the pavilion for the hospital? Commissioner Wolfe commented that there was discussion with the fair board about the risks if people chose not to wear the masks. Questions were then asked - How do facilitate getting that person to comply? Do you forcibly have them removed from the grounds? Is there some liability involved? The governor's mask mandate was not in effect statewide at that time. Beau replied that he understood that the commissioners could set the rules and were limited on how to enforce them, but why couldn't the opportunity to comply be given? Those that attended the County Line Expo all complied with the rules. Commissioner Wolfe commented that the masks weren't the only concern as the commissioners knew there was another consideration of renewing the State of Emergency the following Monday (week of the fair). The 4-H Fair Board would have to comply if Purdue Extension Office told them to close down due to the State of Emergency in effect. County Attorney Bob Clutter also added that the fair is opened to the public and people from all over attend. If 98% of those people comply, great, but it's the 2% that set up the potentials for confrontation. He also added that the Fourth of July festivities are huge for Lebanon but none of those took place this year. Again, none of these were cancelled by the commissioners but by the governing bodies after consultation. Commissioner Lawson commented that this is a huge learning curve for all of us and they are trying to make the best decisions and recommendations that they can at the given time with the information available. Beau asked that if this

is still ongoing next year can there be some sort of waiver/compliance form for participants to sign in attempts to still have the fair? Commissioner Wolfe commented that those could be considered for the future.

Tom Ryan, Preparedness Coordinator, wanted to clarify that the Boone County Fair Board did have a plan put together for the 4-H Fair that the Health Department assisted with, but the circumstances change daily. Boone County has a great team that is able to plan ahead based on the evidence available. Our goal is to ensure the health and safety of the community as a whole.

Randy Parr, Lebanon Resident, asked if the number of positive cases being reported are based on the number of positive test or positive people? Are the numbers potentially being doubled as individuals that test positive may test positive again on another test? Tom Ryan replied that the positive cases are based on the number of positive people.

Joe Newsom, Lebanon Resident, commented that he just returned from Oklahoma where he attended the American Quarter Horse Youth Show. The only people allowed on the fairgrounds were the people that exhibited, spectators were not allowed. We were required to wear masks and there were sanitation units at various locations. The health department would only warn you once if you were seen without a mask, if seen again you were removed. People complied. We don't know whether that would have worked for the Boone County Fair. He doesn't know how effective it was to limit the number of people who attended the Indiana State Fair. His concern is about Boone County Fairgrounds and the revenues that were lost due to the events that were cancelled - hog sale, cattle show, fair, and events that bring interest here. There are also a lot of local businesses that have lost revenue due to cancelling these events as people stay in hotels, eat fast food, fuel their tanks, and shop at local markets during their stay. The pandemic has caused this issue, and we can't control that, but he asked that the Boone County 4-H be reimbursed or compensated for the money that was lost so they can continue to operate the facilities. Commissioner Wolfe replied that we have not been able to identify federal funding where lost revenue qualifies at this time but will continue to look at other grants as they become available. The county anticipates a severe revenue drop due to the pandemic, so we are feeling the pain as much as this facility. Commissioner Santelli commented that the County Commissioners and County Council work very hard to help fund this facility. To Jeff's point, we are looking at possibly some substantial changes and cuts across the board that the tax dollars help support.

Diane Schultz, Zionsville Resident and Executive Director of Boone County Chamber, commented that she received some information late afternoon last Friday that is hopefully an opportunity for some funding that could be available for the culture world and art. The Conventional Visitors Bureau sent the email to individuals within the community that plan, promote, and support events such as the fair, festivals, and other events/activities that are such a great financial importance to many nonprofits throughout Boone County. Everyone has seen a decline in revenue because of not being able to host events. The Chamber's mission is to support those organizations and try to get them the resources if they qualify. Lieutenant Governor launched an Arts Culture and Destination Marketing Organization Support Grant on August 11th and the grants are totaling 10 million dollars to help preserve and sustain the events, arts and cultural organizations that contribute to the character and health of a community. The Boone County 4-H may be able to apply for assistance.

In the Matter of Ordinance 2020-06 Temporarily Closing Culvert (Small Structure) Within Boone County:

County Attorney Bob Clutter presented Ordinance 2020-06 with an alternate and read them aloud in preterit parts pursuant to Indiana State Law. Craig Parks, County Engineer, commented that Dan with SJCA is present at today's meeting to present the final report. Craig would recommend the closure of CR 900 W (JE017) due to the load post is 6 ton and continue to inspect and monitor the erosion of the other three small structures (CL030, MA030, and WO002) more frequently. Dan with SJCA we recommend posting signs at the culverts (small structures) and at the nearest intersections, so drivers have an opportunity to take an alternate route.

Commissioner Wolfe made a motion to approve Ordinance 2020-06 temporarily closing culvert (small structure) on County Road 900 West within Boone County. Following the motion, he added the comment that during the budget hearings last week our County Council has taken major steps to help his move forward in correcting this problem. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Hussey -Mayfield Memorial Public Library Worth Branch Advisory Group

Appointment: Commissioner Santelli nominated to appoint Ken Newell to the Hussey-Mayfield Memorial Public Library Worth Branch Advisory Ground and with that made a motion to approve. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Boone County Hospital Association Board Appointment:

The Boone County Hospital Association submitted a request for the commissioners to re-appoint Margaret Walters for another term.

Commissioner Wolfe made a motion to approve the re-appointment of Margaret Walters for another term to the Boone County Hospital Association. Commissioner Santelli 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. APC – Rachel Cardis
- b. IT Support – GUTS
- c. Health Department – Lisa Younts / Brett Peppin
- d. Highway Department & Facility Maintenance – Craig Parks

Craig Parks, County Engineer presented the following items:

1. Construction in right of way permit (#202010033) for Xiber LLC at 7350 S CR 775 E for the placement of utility pole – work has been completed. The Boone County Highway Department recommends approval.

Commissioner Wolfe made a motion to approve the construction in right of way permit (#202010033) for Xiber LLC. Commissioner Santelli seconded the motion. Motion carried 3-0.

2. Unofficial local detour reimbursement contract with INDOT in the amount of \$96,802.93 for the restoration of the route for SR 75 in Advance.

Commissioner Santelli made a motion to approve the unofficial local detour reimbursement contract with INDOT. Commissioner Wolfe seconded the motion. Motion carried 3-0

3. USI contract in the amount of \$14,500 for the permitting and utility coordination for the 4 small structures – JE017, CL030, MA030 and WO002.

Commissioner Wolfe made a motion to approve the USI contract for the permitting and utility coordination for the 4 small structures. Commissioner Santelli seconded the motion. Motion carried 3-0

4. Right of way services agreement with Beam, Longest & Neff for the replacement of Bridge 41 (CR 200 E over Sugar Creek). The contract shall not exceed \$28,300.

Commissioner Wolfe made a motion to approve the right of way services agreement with Beam, Longest & Neff. Commissioner Santelli seconded the motion. Motion carried 3-0

Other Elected Officials:

Elise Nieshalla, councilwoman, commented that there is certainly a lot of things to take into consideration from today's meeting. She wanted to speak to the funding issue for the bridges and culverts - appreciates all the information brought to us – the question that has been brought to us is why Boone County, one of the fastest growing counties in the state, struggling to keep up with funding? There are some strategies that the County Council is looking at to handle the counties expanding financial needs. They are looking at a debt service levy for the purpose of purchasing upgrades and replacements of infrastructure. The public is invited and encouraged to attend the County Council's next public meeting.

In the Matter of Public Comments:

There was none at this time.

In the Matter of Document Signing:

1. Key request form for Paul Lagrange with facilities.

Commissioner Santelli made a motion to approve the key request.

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

In the Matter of Claims presented in today's meeting

See **(Appendix #2)**

Commissioner Wolfe made a motion to approve claims as submitted.

Commissioner Santelli 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 Santelli made a motion to adjourn 11:42 am.

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