

Boone County Board of Commissioners Minutes
November 16, 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 Donnie Lawson opened the meeting at 9:21 am.

Approval of Minutes for November 3, 2020 Meeting:

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

In the Matter of Bid Opening for Project 2020-07 Replacement of Small Structure JE-017, CR 900 W over Broshar Ditch:

BIDDER: Milestone Contractors LP
DATE RECEIVED: November 13, 2020 at 1:45pm
BID AMOUNT: \$177,180.00

BIDDER: Calumet
DATE RECEIVED: November 16, 2020 at 7:57 am
BID AMOUNT: \$247,000.00

BIDDER: HIS Constructors, Inc.
DATE RECEIVED: November 16, 2020 at 7:58 am
BID AMOUNT: \$234,560.00

BIDDER: Conexco, Inc.
DATE RECEIVED: November 16, 2020 at 8:07 am
BID AMOUNT: \$269,904.00

BIDDER: Morphey Construction
DATE RECEIVED: November 16, 2020 at 8:16 am
BID AMOUNT: \$325,000.00

Commissioner Wolfe made a motion to take the bids under advisement.
Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Legal Issues:

No legal issues for today's meeting.

In the Matter of Victims of Crime Act (“VOCA”) Grant Extension:

County Prosecutor Kent Eastwood presented the Victims of Crime Act “VOCA” Grant Agreement signed by the County Auditor Debbie Morton-Crum and himself for ratification. The commissioners had previously authorized the County Prosecutor and the County Auditor to execute the grant agreement to meet the deadlines. This Grant Agreement is in the amount of \$167,056.62 for eligible costs of the services or project. The term of this Grant Agreement commences on October 1, 2020 and shall remain in effect through September 30, 2022.

Commissioner Santelli made a motion to approve ratifying the VOCA Grant Agreement. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Update on Judge Detamore Bench Dedication / Proclamation:

Boni Hypes and Kelly Peisker provided an update on the bench dedication/proclamation for Judge Detamore, their father. They proposed to have the bench dedication/proclamation on March 23, 2021. The proclamation will take place in one of the courtrooms at 3 pm by invitation only. The bench dedication will be immediately following open to the public outside of the courthouse for social distancing. Copies of the agenda, plaque design, and bill for the bench were provided. Max Mendenhall, Capital Investments Director, asked for clarification on how the bench is being paid for. Commissioner Wolfe recommended that facilities orders the bench and be reimbursed later after the fundraiser is closed. Kelly commented that if they collect more money than what the bench costs, they are going to donate the remaining balance to New Life Recovery.

In the Matter of Emergency Management Agency (“EMA”) Subgrant Agreement:

Rachel Hanson, Emergency Management Agency (“EMA”) Secretary, presented the Federal Fiscal Year 2020 Homeland Security Grant Program Agreement in the amount of \$25,1750.00.

Commissioner Wolfe made a motion to approve Homeland Security Grant Program Agreement. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Discussion of Resolution Declaring a State of Emergency:

Tom Ryan, Preparedness Coordinator, reported that the number of positive cases for COVID-19 was at its highest for Boone County last week since the beginning of the pandemic. Over 150 new positive cases were reported over the weekend. Tom Ryan proposed on behalf of the Unified Command to reinstate the State of Emergency to allow the health department to work with Witham for more testing to occur at a new location. In addition to working with Witham on receiving vaccinations and adding an additional location for a vaccination clinic. County Attorney Bob Clutter presented Resolution 2020-32 Declaring a State of Emergency and read it aloud in pertinent parts pursuant to state law.

Commissioner Santelli made a motion to approve Resolution 2020-32 Declaring a State of Emergency. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Public Hearing Vacation of Holliday Road East of Bridge 207 (9:30am):

County Attorney Bob Clutter made a couple of comments on the petition and public hearing regarding the vacation of Holliday Road east Bridge 207. Michael Andreoli, on behalf of his client Henke Development, filed a petition to vacate the remaining part of Holliday Road approximately 1500 feet east of Eagle Creek west to Eagle Creek. Previously, the commissioners passed and adopted an

Ordinance (2019-01) partially vacating Holliday Road and right-of-way from U.S. 421 (Michigan Road) to approximately 1500 feet east of Eagle Creek. The notice of public hearing was published in the Lebanon Reporter on October 24th and in the Indianapolis Star on October 17th. Mr. Andreoli provided a notification of the public hearing in his petition to all the adjoining property owners and copies of the certified mail receipts.

Michael Andreoli introduced himself, and on behalf of Steve Henke / Henke Development extended an invitation to the commissioners and County Attorney to see how the development project has progressed in the area. The additional public vacation of this roadway is in the public benefit for a new road constructed in and through the subdivision. They would appreciate any questions from the commissioners and public.

The public hearing was opened at 9:44 am.

Roger Burrus, Attorney for the Zionsville Park and Recreational Board thanked Mr. Henke for his great work with the Town of Zionsville. These matters are kind of complicated given the fact that this is a big development occurring in multiple sections – existing rights-of-way for Holliday Road under the County’s jurisdiction and the new Holliday Farms subdivision under the Town of Zionsville jurisdiction – of which all parties want to make sure this is being handled properly. From the perspective of the Zionsville Park and Recreational Board, they want to make sure they have all the easements and access rights to maintain the public portion of the pathways. He believes the Town of Zionsville is agreeable to accepting the donation of the bridge from the County to the Town but thinks there are some more details to be worked out. For example, reserving the existing rights-of-way to the extent of maintenance and/or utilities and what are the weight restrictions on the paved portion of the Turkey Foot pathway for equipment. County Attorney Bob Clutter also commented that Mr. Henke has been excellent to work with on the County’s perspective. Part of the reason for moving forward with the vacation ordinance today is because Mr. Henke wants to file the secondary plats in this area which would contain some things Mr. Burrus was alluding to as concerns for the Zionsville Park and Recreational, such as the pathway easements. He is unable to move forward with the plats until he owns the property. Bob Clutter has had discussions with Attorney Amy Nooning about the commissioners eventually transferring the ownership of the bridge and all of the rights-of-way to the west of Eagle Creek to the Town of Zionsville, so at that point, they can work with Mr. Rodgers and Mr. Henke on developing paths and access. Attorney Amy Nooning is aware that any transfer of the bridge would be subject to the restrictions in the National Programmatic Agreement. Bob Clutter has provided her a copy of the drafted agreement. Amy Nooning is working on some of the transfer documents.

Attorney Roger Burrus wanted to make sure that the commitments made by Mr. Henke are all documented. Attorney Bob Clutter responded that the commitments made by Mr. Henke are in the PUD. Attorney Michael Adreoli also commented that he thinks the ordinance appropriately handles that. If anything additional Mr. Henke needs to do from the Towns standpoint to be able to grant access, he is willing to work out the language as a vacated owner of the property to make sure there is access to the bridge by the Town or anyone who needs to maintain the bridge. As for accessing from the Turkey Foot Road trail, he does not know if there will be access from the trail or not if there are weight limits or other things that the Town has concerns about. That’s why he thinks accessing off the private lane through the Holliday property would make the most sense. He thinks the Ordinance has appropriately provided for that. In addition to that, Steve Henke commits the commissioners that he is

willing to go ahead and give them access to that area – they will need that at some point for an emergency vehicle or maintenance.

The public hearing was closed at 9:59 am.

In the matter of Consideration of Ordinance 2020-09 Vacating Holliday Right-of-Way east of Bridge 207: County Attorney Bob Clutter presented Ordinance 2020-09 Vacating Holliday Right-of-Way east of Bridge 207 and read it aloud in pertinent parts pursuant to state law during the public hearing.

Commissioner Santelli stated that he received many emails from the public with respect to public access to the bridge and the fact that it is a 1.1million dollar asset. He publicly thanked Roger Burrus/Parks Department, Michael Andreoli/Henke, Bob Clutter and the Town of Zionsville for the collaborative effort to ensure public access to this bridge. Based on the public input received, this has been thoroughly addressed. He has been through the development personally, and they are doing a spectacular job for a long term asset to Zionsville and community as a whole. He thanked everyone for the amount of diligence and detail gone into the project.

Commissioner Santelli made a motion to approve Ordinance 2020-09 Vacating Holliday Right-of-Way east of Bridge 207. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the matter of Old Business:

There was no old business at 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 – Nick Parr
- e. Facility Maintenance – Max Mendenhall
- f. Other Elected Officials

Nick Parr, Director of Highway Department presented the following items:

1. Construction in right-of-way permit (#202010060) for Boone County Surveyor's Office at CR 900 E 1300 feet south of SR 47 for an open road cut to replace a drain tile. No bond required. The Boone County Highway Department recommends approval.

Commissioner Santelli made a motion to approve the construction in right-of-way permit (#202010060) for Boone County Surveyor's Office. Commissioner Wolfe seconded the motion. Motion carried 3-0.

2. Construction in right-of-way permit (#202010061) for Boone REMC at 5410 N 1000 E to bore under road to install service for a new house. There is a \$5,000 blanket bond on file. The Boone County Highway Department recommends approval.

Commissioner Santelli made a motion to approve the construction in right-of-way permit (#202010061) for Boone REMC. Commissioner Wolfe seconded the motion. Motion carried 3-0

3. Road closure permit (#202030014) for the Boone County Surveyor's Office at CR 900 E between SR 47 and CR 500 N on November 23, 2020 for approximately one day. Commissioner Wolfe made a motion to approve the road closure permit (#202030014) for the Boone County Surveyor's Office. Commissioner Santelli seconded the motion. Motion carried 3-0
4. Road closure permit (#202030015) for Duke Realty Corporation at Mt. Zion Road and CR 200 W for a new storm sewer installation from November 16 – November 20, 2020. Commissioner Santelli made a motion to approve the road closure permit (#202030015) for Duke Realty Corporation. Commissioner Wolfe seconded the motion. Motion carried 3-0
5. Supplemental Agreement No. 1 with Beam Longest and Neff, LLC for the replacement of Bridge 41. This supplemental agreement increasing the original agreement by \$6,710.00 to \$440,660.00. Items are being added that were not originally anticipated and items are being removed that we will not be needed specified under Appendix A. Commissioner Wolfe made a motion to approve Supplemental Agreement No. 1 with Beam Longest and Neff, LLC. Commissioner Santelli seconded the motion. Motion carried 3-0
6. Supplemental Agreement No. 1 with USI Consultants. Per the supplemental agreement, subsurface utility engineering and special investigations are now needed bringing the total lump sum fee to \$20,500.00. Commissioner Wolfe made a motion to approve Supplemental Agreement No. 1 with USI Consultants. Commissioner Santelli seconded the motion. Motion carried 3-0
7. INDOT LPA-Consulting Contract for County Bridge Inspections with VS Engineering as the consultant for DES 1902075. The total amount of this contract is \$554,515.00. The county is responsible for 20% of the total as bridge inspections are matched with federal dollars at 80%. Commissioner Wolfe made a motion to approve LPA-Consulting Contract for County Bridge Inspections with VS Engineering. Commissioner Santelli seconded the motion. Motion carried 3-0.
8. Supplemental Amendment No. 2 for Bridge Replacement Services of Bridge 217, Templin Road over Eagle Creek, with American Structurepoint, Inc. to increase the Environmental Documentation cost for the Archaeology Investigation by \$3,160 bringing the total amount to \$162,410. Commissioner Wolfe made a motion to approve the Supplemental Amendment No. 2 for Bridge Replacement Services of Bridge 217 with American Structurepoint, Inc. Commissioner Santelli seconded the motion. Motion carried 3-0

Kent Eastwood, County Prosecutor:

1. Wanted to comment that he has several employees nervous with the rise in positive COVID-19 cases. He supports anything that the commissioners want to do to help combat the spread, especially as we deal with the public day in and day out. They are doing everything that they can in the Prosecutor's Office to minimize as much contact with the public but still provide service through other means. He is requesting barriers on the tables in the courthouse rotunda to meet with a pro se defendants. Max Mendenhall, Capital Investments Director, commented that the facilities department has some barriers available to place on the tables today.

Michael Nielsen, County Sheriff:

1. Publicly thanked the commissioners for declaring the State of Emergency. The Boone County Sheriff's Office is trying to do everything that they can to mitigate the spread. They are using a cleaning agent that has a bonding agent attached to it, so it kills the virus for 45 days. They have been testing this product and had a company come out to test it which has proven to work.

In the Matter of Document Signing:

1. Affidavit for payment to USI Consultant in the amount of \$2713.38 for bridge 202 rehabilitation.

Commissioner Wolfe made a motion to approve the affidavit for payment to USI Consultant. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Claims presented in today's meeting

See **(Appendix #2)**

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 #3)** for a list of mail opened by the Commissioners on this date.

With no further business, Commissioner Santelli made a motion to adjourn at 10:21 am. Commissioner Wolfe seconded the motion. Motion carried 3-0.