

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE FEBRUARY 22, 2022 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Tuesday, February 22, 2022 in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

Jeff Wolfe	Commissioner, President
Donnie Lawson	Commissioner, Vice President
Tom Santelli	Commissioner
Bob Clutter	County Attorney
Lori Rapp	Interim Administrative Assistant

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Wolfe opened the meeting at 9:17 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF AMENDING THE AGENDA

Commissioner Wolfe moved to amend the Meeting Agenda for February 22, 2022 and add Boone County Health Officer - Dr. Servies to the Agenda.

Dr. Servies, Boone County Health Officer, stated, cases per 100,00 are now at 279 whereas four weeks ago we were at 1400. Positivity rate is 19.9% and four weeks ago it was 34%. Boone County was in the red last week, and he looks for Boone County to go to orange this week. The State has amended a lot of the guidelines for schools, schools no longer must do contact tracing. The State has closed their contact tracing site. Schools will no longer quarantine students for being a close contact, vaccinated or not if they don't have any symptoms, they can continue to attend school. CDC is still pushing to mask up inside.

IN THE MATTER OF MINUTES

Commissioner Santelli moved to approve the Minutes of February 07, 2022 Commissioners' Meeting as presented. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF MEMORANDUM FOR THE JANUARY 14, 2022 EXECUTIVE SESSION

Commissioner Santelli moved to approve the Memorandum for the January 14, 2022 Executive Session. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

MATTER OF LEGAL ISSUES

Attorney Bob Clutter presented the following items:

- 1) Roller purchase agreement with Brandeis for the Boone County Highway in the amount of \$54,000. This is a budgeted item.

Commissioner Lawson moved to approve the purchase agreement with Brandeis for the new Roller for the Boone County Highway. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

- 2) Contract agreement with GUTS for the Tax Sale Services, this was approved July 6, 2021 we can't locate the original executed agreement.
- 3) Agreement with Toshiba for a second copier in the Recorder's office. The \$3,600 will come out of the Recorder's budget this year and will be included in IT's budget next year.

Commissioner Lawson moved to approve the agreement with Toshiba for the second copier in the Recorder's office. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

- 4) Agreement with Stifel to act as an underwriter placement agent for the 2014 COIT Bonds these bonds are first callable early next year 2023. Stifel and Baker Tilly are looking at potential cost savings if these are called and paid off in early 2023. Currently today's bond prices would save the County about \$1 million. Interest rates and bond rates are going to go up dramatically this summer. They are also looking at the potential savings if the money was escrowed, if we went ahead and re-issued the bonds and escrowed the money there are additional costs with that and they would be paid off in 2023. The longer we wait the bond prices are going to increase dramatically. Stifel and Baker Tilly continue to evaluate it. If the County decides to move forward, Stifel would be acting as the underwriter and placement agent. The current balance on the bond is \$4.6 million. This bond had early payout penalties that we can avoid by escrowing the money now.

Commissioner Santelli moved to approve the agreement with Stifel to be the underwriter and placement agent for the 2014 COIT Bonds. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

- 5) Agreement with JDAI Program for the Unity in Community program with Tim Edmonds, the Commissioner's had previously approved this contract this would just be for Tim Edmonds to act as a JDAI Unity in the Community contractor.

Commissioner Santelli moved to approve the agreement with JDAI for the Unity in Community program with Tim Edmonds. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

- 6) Acceptance of the maintenance bond for Cardinal Point section 1B storm sewer and sub-surface rear yard drainage at the Golf Club of Indiana section 1B totaling \$229,375.

Commissioner Lawson moved to approve the acceptance of the maintenance bond for Cardinal Point section 1B storm sewer and sub-surface rear yard drainage at the Golf Club of Indiana. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

- 7) Release of the performance bond for Cardinal Point section 1B storm sewer and sub-surface drains.

Commissioner Lawson moved to approve the release of the performance bond for Cardinal Point section 1B storm sewer and sub-surface rear yard drainage at the Golf Club of Indiana. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

- 8) Request from the Boone County Youth Orchestra to use the Courthouse on Saturday May 14, 2022 for a performance at 5:00 pm. They need access to Courthouse from 2:00 pm to about 6:30 pm. They will coordinate proper security with the Boone County Sheriff's Office.

Commissioner Lawson moved to approve the request for the Boone County Youth Orchestra to use the Courthouse on May 14, 2022 for a performance. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

- 9) Agreement with Specialty Care Management notifying that they have re-capitalized and brought a new investment partner called Argosy Healthcare Partners in to assist us with the services they provide. Just modifying the existing agreement with Specialty Care Management LLC.

Commissioner Santelli moved to approve the modification to the existing agreement with Specialty Care Management LLC to bring in a new investment partner called Argosy Healthcare Partners. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF PUBLIC HEARING RE-ESTABLISHING CUMULATIVE BRIDGE FUND AND CONSIDERATION OF ORDINANCE 2022-01

Attorney Bob Clutter, pursuant to state law the Notice of the Public Hearing was published twice as in accordance with ISC-6-1.1-41. This request for consideration of the Ordinance 2022-01 as pursuant to Indiana Code 8-16-3 in which you can re-establish the cumulative bridge fund. We asked Baker Tilly to run some projections essentially doubling what we are currently collecting which is about \$740,000 per year and that is at a rate of .0125 which is the current rate. Just under doubling that rate to .0240 will collect between \$680,000 and \$750,000 per year that's additional. If there is no net assessed valuation growth it would be about \$680,000 a year additional and if there is a 5% growth in net assessed value, then it would be about \$750,000 a year additional. That means that the estimated net cumulative bridge collections would go up to about \$1.4 to \$1.5 million. The Ordinance 2022-01 re-establishes the rate to .0240 dollars on each \$100 of assessed valuation.

Commissioner Wolfe emphasized that this is not an increase in taxes but a shift in the total levy that the County already collects. This allows the County to direct these funds to the Cumulative Bridge Fund without having to re-appropriate these funds during the year. About a year and half ago the County had Butler, Fairman & Seufert do a projection for us, five-, ten- and fifteen-year plan for our road system and there was a shortfall identified of about \$650,000 per year in that projection plan, this allows us to close that gap.

Commissioner Wolfe opened for public comment. Commissioner Santelli stated that this is about a five to one leverage and that we have to have matching dollars in these areas. If we have a 20% match this is a five to one leverage.

Commissioner Santelli moved to approve the 2022-01 Ordinance Re-Establishing the Cumulative Bridge Fund. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF BAKER TILLY STATEMENTS OF WORK

Commissioner Wolfe presented Statements of Work from Baker Tilly. The County has asked Baker Tilly to help with some consulting work. These Statements of Work have already been put in place and just need to be ratified.

Commissioner Santelli moved to approve the ratification of the Baker Tilly Statements of Work. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF MOU WITH EDC REGARDING COHORT GRANT PROJECT

Attorney Bob Clutter, stated that Molly Whitehead appeared a couple of meetings ago and discussed a Cohort Grant in which the EDC will be working with Community Corrections and offer Life Skills and Financial Training to some of the clients that are currently utilizing Community Corrections. The Commissioners approved the use of up to \$125,000 out of County funds, in addition if laptops or other computers that are being de-commissioned are available, they would be provided as well.

Claire Collette, Boone County EDC Economic Development Manager, gave a briefing on their first session and stated it was held last week. There were eight clients in attendance, Amy their Workforce Development Manager, was in attendance and said their engagement was phenomenal. They did a strengths finder assessment and loved it. Excited for the coalition to kick off.

Commissioner Wolfe stated that the strengths finder assessment is a key tool to help those that have never had a career and don't know what their strengths are. This will help them find a career that fits them. The \$125,000 will come from the ARP money and if money is needed before the ARP money comes in they will use some of the CARES Act money to get this program started.

Auditor Crum stated that the ARP money should be here in about two to five days.

Commissioner Lawson moved to approve the MOU with Boone EDC regarding the COHORT Grant Project. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

IN THE MATTER OF THE REIMBURSEMENT AGREEMENT WITH GM DEVELOPMENT

Attorney Bob Clutter stated this is a reimbursement agreement for the Jail Project and is essentially for the Architectural and Engineering fees for the Jail Project that have been generated, not completely up to this point but it is anticipated these fees to be about 2.5 million dollars by the time we get the bond approved for the financing of this. This is a 2.5-million-dollar cap to GM Development who is in charge of the project for the Justice Center. This is the reimbursement cap that is stated in the reimbursement agreement. Once the BOT agreement is adopted and approved by the Council this reimbursement agreement becomes null and void, because at that point the bonds are issued, and the amounts are paid for out of the bonds.

Commissioner Lawson moved to approve and adopt the Reimbursement Agreement with GM Development. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

Commissioner Wolfe asked if Councilwoman Nieshalla would like to comment on this on behalf of the Council. Councilwoman Nieshalla stated that the Boone County Justice Commission will be wrapping up its efforts with recommendations to share. They are assisting the Council in completing their statutory duty to investigate the need for the structure before they do a determination on funding. As part of the investigation to the need of the structure, there are many items being considered. This is a huge investment of fifty and may increase million dollars that is being proposed. We are doing are do diligence to fully vet this proposal to make sure that there is a funding decision from the Council that meets both our Public Safety needs and is fiscally responsible to our citizens. There was a meeting back in the middle of January that was forwarded to the Commission last week where many key leaders in the state including the Governors lead on recovery. This

meeting discussed a huge effort starting now for the 2023 session that will be transformative to Indiana's Judicial System. There will be a push for pillar legislation in this next session on how to develop a comprehensive review on how to best deal with mental health issues and substance abuse issues in the Judicial System. In the meeting they asked for three to five counties that would be "Changed Targets" to partner with them to have their behavioral health needs assessed and to help inform this legislative initiative for next year that will improve the vision for what Criminal Justice can look like across the state of Indiana.

Sheriff Nielsen stated he sits and was appointed by the Governor on the Behavioral Health Commission Board, so he is very aware of the activity that is going on in the JRAC Commission meetings. A lot of this is to address the severe mental health issues that we are facing in this state. The Jail has become the pseudo mental health facility it really doesn't focus a lot on the addiction side of things, it really addresses a lot of the severe mental health issues. Sheriff Nielsen feels that the best thing that we can do for the citizens of this county as well as those suffering from mental health and addiction issues is to address the issues personally here and individually. He feels that we have been doing that and we need to continue to do that. We are more than welcome to work with the Governor's office or anyone else to see how we can help over the next several years be a bigger part of that throughout the state. We are driving the state on what we are doing from our programming services, mental health services as well as addiction services.

Attorney Bob Clutter clarified that most of the JRAC Commission efforts are focused on severe mental health issues. He also asked at any given time how many clients does Sheriff Nielsen have in his Facility that would meet the need of the definition of severe mental illness, Sheriff Nielsen responded one to two at any given time out of 220 inmates. The JRAC Commission is looking at regional service and he stated that we can't afford to send inmates to Lafayette or Evansville for services. The study shows that 70% to 80% of the Jail population are suffering from addiction and mental health issues, not severe mental health.

Commissioner Wolfe stated that within the original list of projects for the ARP money the Commissioner's had planned for \$1.5 million to go towards the Justice Center Project, and they believe that with another project that is probably not going to happen they can maybe move another \$1.5 million toward the Justice Center Project easily and maybe more in the future if things don't work out with some of the other projects. The Commissioners will be coming back to the Count Council with a request to fund this with money that comes available.

IN THE MATTER OF LINCOLN PROPERTY CO. TAX ABATEMENT

Claire Collett, Boone EDC Economic Development Manager, presented a request from Lincoln Property Co. for a tax abatement in the County's EDA.

Commissioner Santelli moved to approve the request from Lincoln property Co. for a tax abatement in the County's EDA. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF AUTHORIZATION TO USE A COURTROOM FOR THE HIGH SCHOOL CLASSROOM PROJECT

Attorney Bob Clutter presented a request from Michelle McKaig, Lebanon High School English Teacher. She would like to use one of our Courtrooms for her High School English class to give their "Closing Arguments" public speech on Monday March 21, 2022.

Commissioner Lawson moved to approve the use of one of the Courtrooms on Monday March 21, 2022 for Michelle McKaig's High School public Speaking Class. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0. Subject to the judge's approval and Security Staff.

IN THE MATTER OF IMPO FOLLOW UP AND FULL COMMISSIONER UPDATE

Anna Gremling with IMPO along with Rosa Scovel, presented a Winter 2022 Central Indiana Comprehensive Economic Development Strategy Update.

IN THE MATTER OF BF&S TASK ORDER #24 PROJECT 2022-02 ASPHALT RESURFACING VARIOUS TOWNSHIPS

Nick Parr, Director of Highways, presented a request of execution of BF&S Task Order #24 for inspection services on components of the asphalt resurfacing in various townships project. These services are part of the general services agreement dated November 6, 2017. Construction Inspection will be part time on an hourly basis for a not to exceed amount of \$87,500.

Commissioner Santelli moved to approve the BF&S Task Order #24 for inspection services on components of the asphalt resurfacing in various townships project. Motion seconded by Commissioner Lawson motion passed unanimously 3-0.

IN THE MATTER OF BF&S TASK ORDER #25 BRIDGE 180 INSPECTION SERVICES

Nick Parr, Director of Highways, presented a request of execution of BF&S Task Order #25 for inspection services on the three-span continuous reinforced concrete slab bridge. These services are part of the general services agreement dated November 6th, 2017. Construction Inspection will be on an hourly basis for a not to exceed amount of \$65,000.

Commissioner Santelli moved to approve the BF&S Task Order #25 for inspection services on the three-span continuous reinforced concrete slab bridge 180. Motion seconded by Commissioner Lawson motion passed unanimously 3-0.

IN THE MATTER OF KELLY CROCKETTS TREE REMOVAL QUOTE FOR BRIDGE 41

Nick Parr, Director of Highways, presented a request of execution of the tree removal quote from Kelly Crockett for Br. 41. Trees will be removed inside the construction limits to enable utility relocation for the upcoming bridge construction project. This quote includes removal of trees and stumps. Quote amount is \$19,500.

Commissioner Santelli moved to approve the Kelly Crockett tree removal quote for Bridge 41. Motion seconded by Commissioner Lawson motion passed unanimously 3-0.

IN THE MATTER OF USI AUTHORIZATION TO PROCEED FOR BRIDGE 217 TREE MITIGATION

Nick Parr, Director of Highways, presented a request of execution of USI's authorization to proceed for Br. 217 tree mitigation. This is in accordance with the IDNR permit conditions for the Br. 217 replacement project. The lump sum fee is \$10,500.

Commissioner Santelli moved to approve the USI Authorization to Proceed for Bridge 217 Tree Mitigation. Motion seconded by Commissioner Lawson motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

Commissioner Santelli stated that the Boone County Coroner is not in attendance today because they are working three cases right now and they finished at 11:00 pm last night and started again at 7:00 am this morning. So far, they have had 31 cases since the beginning of the year.

IN THE MATTER OF STAFF REPORTS

- APC – Rachel Cardis
- Coroner's Office – Justin Sparks
- Facilities / Capital Investments – Max Mendenhall
- Health Department – Lisa Younts / Abby Messenger
- Highway Department – Nick Parr
- Human Resources – Megan Smith
- IT Support – GUTS
- Other Elected Officials

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

1) Construction in right-of-way permit (#202210005) for Centerpoint Energy at Bridge 217 over Little Eagle Creek on Templin Rd. for an Underground Linear Construction – moving utilities for Bridge Project. The Boone County Highway Department recommends approval.

Commissioner Lawson moved to approve the construction in right-of-way permit (#202210005). Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

2) Construction in right-of-way permit (#202210006) for Citizens Energy Group at 7653 Carriage House Way Underground Linear Construction for repairs to valve leak – work completed 2.10.2022. Bond amount of \$10,000. The Boone County Highway Department recommends approval.

Commissioner Lawson moved to approve the construction in right-of-way permit (#202210006). Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

3) Construction in right-of-way permit (#202210007) for BSM Groups for QC Communications at 6880 S 875 E for an Underground Linear Construction for UG Duct Placement. Bond amount of \$15,000. The Boone County Highway Department recommends approval.

Commissioner Lawson moved to approve the construction in right-of-way permit (#202210007). Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

IN THE MATTER OF DOCUMENT SIGNING

- 1)** Attorney Bob Clutter presented two Key Requests:
- a. Amy Hammerle with EDC for the Key Bank Building.
 - b. Brent Wilson Deputy Prosecutor for the Prosecutor's Office.

Commissioner Santelli moved to approve the two key requests. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

- 2)** Claims Dockets – regular, prepaids, payroll, and insurance.

Commissioner Santelli moved to approve the Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF MAIL

Attorney Bob Clutter presented a retirement letter from the Assessor Lisa Garoffolo effective March 4, 2022 after 32 years of service.

Commissioner Lawson moved to approve the mail. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Lawson moved to adjourn the Boone County Commissioners' Meeting at 10:42 AM on Tuesday, February 22, 2022. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.