

BOONE COUNTY BOARD OF COMMISSIONERS

Meeting Agenda for October 21, 2024 at 9:00 AM

Connie Lamar Meeting Room
Boone County Annex Building
116 W. Washington St., Room 105
Lebanon, Indiana 46052

ZOOM LINK- <https://zoom.us/j/4874385613>

Please mute your audio while on the call unless you are presenting an agenda item.

****REVISED****

1. Call Commissioners' Meeting to Order.
2. Determination of Quorum and Pledge of Allegiance to the Flag
3. Approval of Minutes of the October 7, 2024 Commissioners' Meeting
4. New Business
 - A. Legal Issues County Attorney
 - B. Amendment to the Zoning Ordinance 24CO-16-202 Deborah Luzier
 - C. Stop Loss Renewal Contract Megan Smith
 - D. Compensation Committee Appointment Megan Smith
 - E. Insurance Committee Appointment Megan Smith
 - F. HIPPA Officer Appointment Megan Smith
 - G. GIS Business Management Agreement Sean Horan
 - H. NRG Renewal Contract Max Mendenhall
 - I. Brandt Construction Contract Amendment Courthouse Window Project Max Mendenhall
 - J. Resolution 2024-04 Confirming Resolution 2004-R02 and an Intergovernmental Agreement Concerning Water Utility Service Commissioners
 - K. Joint Use and Maintenance Agreement Concerning the Placement of a Multi-Use Pathway on SR 267 over I-65 Commissioners
 - L. RQAW Design Agreement for the Replacement of Bridge 285 Nick Parr
 - M. United Consulting Design Agreement for the Replacement of Bridge 158 Nick Parr
 - N. VS Engineering Design Agreement for the Replacement of Bridge 70 Nick Parr
 - O. Resolution Group Design Agreement for the Replacement of Bridge 229 Nick Parr
5. Old Business
6. Staff Reports
 - A. Area Plan
 - B. Capital Investments / Facilities
 - C. Health Department
 - D. Highway Department
 - E. Human Resources
 - F. IT Support

7. Elected Officials
8. Document Signing
9. Acknowledgment of Correspondence
10. Adjourn

This agenda is subject to change after official notification. All times are approximate. The meeting may be extended depending upon the circumstances. The meeting will be held at the same time on the next Tuesday if the regularly scheduled Monday meeting has been canceled due to an emergency.

The Board of Commissioners for Boone County Indiana acknowledges its responsibility to comply with the American Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternate audio/visual devices, and amanuenses) for participation in or access to County sponsored public programs, services and or meetings, the county requests that individuals make request for these services forty-eight (48) hours ahead of the scheduled program, services and/or meeting. To make arrangements, contact Kaylee Jessie, Executive Administrator at (765) 483-4492 or email: kjessie@co.boone.in.us.

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE OCTOBER 21, 2024 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, October 21, 2024 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:

Donnie Lawson	Commissioner, President
Jeff Wolfe	Commissioner, Vice President
Tim Beyer	Commissioner
Bob Clutter	County Attorney
Kaylee Jessie	Executive Administrator

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Lawson opened the meeting at 9:12 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

Commissioner Wolfe moved to approve the Minutes of October 7, 2024 Commissioners' Meetings as presented. Motion seconded by Beyer; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

Bob Clutter, County Attorney, presented the following item(s):

- 1) Release/acceptance of the following bonds:
 - **Release** Performance Bonds for Grace Fields Subdivision
 - Erosion control in the amount of \$40,447.00
 - Storm Drains in the amount of \$310,321.00
 - Total \$350,768.00
 - **Release** Performance Bonds for Bridle Oaks Section 4
 - Erosion Control in the amount of \$51,642.25
 - Storm Drains/Rear Yard Swales in the amount of \$273,494.10
 - Total \$325,136.35
 - **Accept** Maintenance Bond for Bridle Oaks Section 4-Erosion Control
 - Erosion Control in the amount of \$12,912.56
 - **Accept** Maintenance Bond for Bridle Oaks Section 4-Storm Sewer
 - Storm Sewer Rear Yard SSD in the amount of \$62,158.00

Commissioner Wolfe moved to approve release/accept the bonds as submitted. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF AMENDMENT TO THE ZONING ORDINANCE 24CO-16-202

In accordance with IC 36-7-4-608, the Boone County Area Plan Commission certifies their recommendation to the Boone County Commissioners as described below.

At their public hearing on October 2, 2024, the Boone County Area Plan Commission gave a unanimous favorable recommendation to amend the Boone County Zoning Ordinance. The recommended change to Chapter IV, Section C: ACCESSORY STRUCTURES is for the purpose of minimizing the requirement for variances when an accessory structure is larger than the primary structure.

IV. PROPERTY DEVELOPMENT STANDARDS

- A. USE. No building or land shall be used, and no building shall be erected, reconstructed, or structurally altered, which is used for any purpose other than a use which is permitted and specified in a District in which such building or land is located, and which is in accordance with the requirements of this ordinance.
- B. ACCESSORY USES. Accessory uses are permitted in accordance with Table 2, Authorized Uses. Accessory uses shall be operated and maintained under the same ownership and on the same lot or contiguous lot as the primary use.
- C. ACCESSORY STRUCTURES. Accessory structures shall be permitted in all zoning districts provided the following requirements have been met.
 - 1. Accessory structures shall not be erected prior to the primary structure, except structures which classify as Farm Buildings, as stated under the definitions section of this Ordinance.
 - 2. ~~Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure.~~
 - 3. The following accessory structures are permitted in all districts and may be installed in any required yard without an ILP: landscape vegetation, swing sets, children's tree houses, bird baths, bird houses, curbs, fences, lamp posts, mail boxes, name plates, parking spaces, utility installations for local services, retaining walls, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a kennel as defined in this Ordinance.
 - 4. Any accessory structure which is classified as a Farm Building, as determined by this Ordinance, shall be only required to secure an ILP.
 - 5. Wireless communications facilities are permitted in all districts and may be installed without an ILP provided they are co-located upon an existing or pre-approved wireless communication facility, or they are no taller than 15 feet and visually integrated or camouflaged against a structure other than another antenna.
 - 6. The following accessory structures are permitted in all zoning districts and require an application for an ILP certifying that all applicable requirements of the ordinance have been met.
 - a. Buildings such as garages, carports, enclosed patios, bath houses, gazebos, cabanas, greenhouses, storage sheds, stables, and other structures over 50 square feet in area.
 - b. Home occupation structures in accordance with this ordinance.
 - c. In-ground swimming pools subject to a 5' high fence placement around the pool area and/or a mechanical pool cover over the pool.
 - d. Signs as set forth in this ordinance.
 - e. Antennas and amateur radio towers over 30 feet in height measured from the roofline.

7. Context and Relationship to the Primary Structure.
 - a. Use of Accessory Structure.
 - i. An accessory structure shall be ancillary and complimentary to the use of the primary structure.
 - ii. When the primary use of the property is residential, the structure shall be for the sole purpose of storing the property owner's or tenant's personal property.
 - iii. Living quarters are not permitted within an accessory structure without a variance from the BZA. For purposes of this section, "living quarters" is defined as permanent or roughed-in provisions for sleeping, cooking, and sanitation. This definition also includes a camper or recreational vehicle being occupied inside of an accessory structure.
 - b. Context. In general, accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure with the following provisions:
 - i. All Districts. The general contextual provisions do not apply to "agricultural buildings" and "farm buildings" as defined in this ordinance.
 - ii. AG District. When the primary use of the property is residential (or is platted for residential development), an accessory structure shall not exceed three thousand (3,000) square feet. The cumulative area of all accessory structures shall not exceed four thousand (4,000) square feet.
 - iii. Residential Districts. No more than two (2) accessory structures are permitted on one (1) parcel. The cumulative square footage of all accessory structures shall not exceed seventy-five percent (75%) of the footprint of the primary structure.
 - iv. Commercial Districts. These contextual provisions do not apply to commercial uses in the Commercial Districts.
 - v. Industrial Districts. These contextual provisions do not apply to industrial uses in the Industrial Districts.

Commissioner Beyer moved to approve the amendment to the Zoning Ordinance 24CO-16-202. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF STOP LOSS RENEWAL CONTRACT

Megan Smith, Director of Human Resources, presented the stop loss quotes received last week from two providers: HCC Tokio Marine and Sunlife. HCC Tokio Marine offered a renewal increase of 7.1% with two lasers set at \$400,000 and \$135,000. In contrast, Sunlife proposed a renewal increase of 6% with a single laser of \$450,000 and a no-new-laser clause, which allows for annual renewal increases of up to 50%.

After thorough review with Apex, Megan Smith recommended to move forward with HCC Tokio Marine – Option 2. While we have considered no-new-laser contracts in the past, they tend to shift liability to fixed costs. In contrast, lasers enable us to retain liability on the backend. This means that if a member exits the plan or does not meet their laser amount, the County benefits from the savings rather than the stop loss company.

Option 2 aligns with our current plan's Specific Deductible and Aggregating Specific Deductible of \$85,000. This section brings our expected costs to approximately \$5.3 million for the upcoming year. However, after discussion with Apex, we believe that the current budget amount of \$5.2 million will be adequate. As of August, we are \$660,000 under budget, and the savings from Wellbridge have resulted in an additional \$300,000 in savings for Whitestown since implementation.

Commissioner Wolfe moved to approve the HCC Tokio Marine – Option 2 stop loss quote. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

**IN THE MATTER OF COMPENSATION COMMITTEE APPOINTMENT
and INSURANCE COMMITTEE APPOINTMENT**

Megan Smith, Director of Human Resources, expressed heartfelt gratitude to Councilman Ken Hedge, an exceptional leader who has dedicated his time and efforts to serve on the Compensation and Health Insurance Committee.

Throughout his tenure, Ken has brought a thoughtful perspective to the table, fostering discussions that have led to improvements with our Health Insurance. As we look forward to the future, we are grateful for his legacy of service.

After discussions with Commissioner Lawson and some of the other members on the committees, we recommend that the Board of Commissioners appoint Councilwoman Shari Richey to the Compensation Committee. In 2023, Shari demonstrated her commitment by thoroughly engaging with our compensation study and processes. She has also contributed significantly to the development of the compensation policies currently under consideration by the committee.

As we look ahead to 2025, we believe Shari is the ideal candidate to support our strategic goals and initiatives. Her expertise and dedication will be invaluable in guiding our efforts.

Megan Smith also recommended that the Board of Commissioners appoint Councilman Kevin Van Horn to the Insurance Committee. Kevin has previously served as an interim member in place of Councilwoman Marcia Wilhoite and brings a wealth of creative ideas drawn from his experience in both the private sector and union membership. His diverse background will be an asset to the Insurance Committee's work.

Megan Smith noted that this aligns with past practice. We have had commissioners that were no longer going to be with us the following year step down from their roles on the committees to allow new appointments to serve, learn and be prepared for the upcoming year. Commissioner Wolfe reiterated that after the primary election, he stepped down from the Insurance Committee because he believed it was important for the committee to move forward with someone in the position for the following year.

Commissioner Wolfe moved to appoint Councilwoman Shari Richey to the Compensation Committee and Councilman Kevin Van Horn to the Insurance Committee. Commissioner Beyer noted that he had spoken with Councilman Hedge, who indicated that he would like to continue on the committees through his term. Commissioner Lawson acknowledged the various perspectives on this matter and expressed gratitude to Councilman Hedge for his dedication and hard work. However, he emphasized the importance of preparing new members for the upcoming year. The motion was seconded by Commissioner Lawson; motion passed with a vote of 2-1 (Beyer opposed).

IN THE MATTER OF HIPPA OFFICER APPOINTMENT

Megan Smith, Director of Human Resources, noted her understanding that the Council recommended including the position of County Auditor on the HIPAA Officer list. Megan explained that HIPAA privacy laws stipulate that covered entities must adhere to the "Minimum Necessary Rule," which states that the disclosure of Protected Health Information (PHI) should only include the minimum necessary to achieve the stated purpose. Each request for disclosure should be reviewed on a case-by-case basis, rather than granting access to PHI to a Business Associate simply because they have had access in the past.

Each covered entity is required to implement safeguards to prevent the unauthorized disclosure of PHI. These safeguards will vary depending on the size of the entity and the nature of the healthcare services provided. However, the penalties for failing to safeguard PHI can be significant. Organizations that deliberately or negligently fail to comply with HIPAA privacy laws may be fined up to \$50,000 per offense per day.

After discussing this recommendation with Apex and the County Attorney, we recommend that the County Auditor be designated as a HIPAA Officer, with no access to unnecessary PHI, upon completing HIPAA training through NeoGov. The human resources department completes this training annually.

Commissioner Beyer asked Auditor Debbie Crum what her thoughts were. Auditor Crum stated that she refuses to complete the HIPPA training through NeoGov and would like to consult with her legal counsel.

The appointment of County Auditor to be added to the HIPPA Officer list has been tabled for further discussion.

IN THE MATTER OF GIS BUSINESS MANAGEMENT AGREEMENT

Sean Horan, IT Support / GUTS, presented the Government Utilities Technology Services, Inc. ("GUTS") GIS business management renewal agreement, which is for a term of three (3) years. There are no changes in fees.

Commissioner Wolfe moved to approve the renewal of the GIS business management agreement with GUTS. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF NRG RENEWAL CONTRACT

Max Mendenhall, Director of Capital Investments, presented the NRG contract for natural gas services, which is a term of two (2) years. The rate did increase by three cents (\$0.03) per unit.

Commissioner Beyer moved to approve the NRG renewal contract. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF BRANDT CONSTRUCTION CONTRACT AMENDMENT COURTHOUSE WINDOW PROJECT

Max Mendenhall, Director of Capital Investments, presented the Brandt construction contract amendment for the courthouse window project. The total for this project is \$1,438,068.

Commissioner Beyer moved to approve the Brandt construction contract amendment for the courthouse window project. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF RESOLUTION 2024-04 CONFIRMING RESOLUTION 2004-R02 AND AN INTERGOVERNMENTAL AGREEMENT CONCERNING WATER UTILITY SERVICE

County Attorney Bob Clutter presented Resolution 2024-04 confirming Resolution 2004-R02 and an intergovernmental agreement concerning water utility service. He read pertinent parts of Resolution 2024-04 aloud in accordance with state law. While he found the meeting minutes (Exhibit B – February 2, 2004 Minutes) where the Board of Commissioners took action, he has not located the official signed documents; this resolution serves to certify what has previously occurred.

Commissioner Beyer asked for clarification regarding whether they would still need to apply for right-of-way permits through the county highway department. Clutter confirmed that this is indeed the case.

Commissioner Wolfe moved to approve Resolution 2024-04 confirming Resolution 2004-R02 and an intergovernmental agreement concerning water utility service. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF JOINT USE AND MAINTENANCE AGREEMENT CONCERNING THE PLACEMENT OF A MULTI-USE PATHWAY ON SR 267 OVER I-65

Nick Parr, Director of Highways, requested this be tabled for further review and discussion.

IN THE MATTER OF RQAW DESIGN AGREEMENT FOR THE REPLACEMENT OF BRIDGE 158

Nick Parr, Director of Highways, presented the professional services agreement with RQAW for Project 2024-19, Bridge 285 replacement. This bridge, over Smith Ditch, is on CR 25 W (Lebanon/Pittsboro Blacktop) south of CR 400 S, spans 25', it was built in 1930 and is weight rated at 15 tons. This bridge has only a 20' opening for motorists to travel through and it has been coded for replacement since at least 2007.

Commissioner Beyer moved to approve the professional services agreement with RQAW for Project 2024-19, Bridge 285 replacement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF UNITED CONSULTING DESIGN AGREEMENT FOR THE REPLACEMENT OF BRIDGE 158

Nick Parr, Director of Highways, presented the professional services agreement with United Consulting for Project 2024-20, Bridge 158 replacement. This agreement is for the preliminary engineering needed to design the replacement of Bridge 285. This bridge, over Branch of Walnut Fork, is on CR 200 S E of 1175 W, it spans 20', it was built in 1940 and is weight rated at 15 tons. This bridge has also been coded for replacement since at least 2007.

Commissioner Wolfe moved to approve the professional services agreement with United Consulting for Project 2024-20, Bridge 158 replacement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

**IN THE MATTER OF VS ENGINEERING DESIGN AGREEMENT
FOR THE REPLACEMENT OF BRIDGE 70**

Nick Parr, Director of Highways, presented the professional services agreement with VS Engineering for Project 2022-16, Bridge 70 replacement. This agreement is for the preliminary engineering needed to design the replacement of Bridge 70. This bridge, over Mounts Run, is on CR 600 E North of 100 N, it spans 23.5', it was built in 1930 and is weight rated at 15 tons. This bridge has also been coded for replacement since at least 2007.

Commissioner Beyer moved to approve the professional services agreement with VS Engineering for Project 2022-16, Bridge 70 replacement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**IN THE MATTER OF RESOLUTION GROUP DESIGN AGREEMENT
FOR THE REPLACEMENT OF BRIDGE 229**

Nick Parr, Director of Highways, presented the professional services agreement with Resolution Group for Project 2024-18, Bridge 229 replacement. This agreement is for the preliminary engineering needed to design the replacement of Bridge 229. This bridge, over West Fork Big Walnut Creek, is on CR 600 W S of Mid-Jamestown Road, it is 28.5' long, it was built in 1980. The substructure is in poor condition due to rotten wingwalls that are leaning and erosion under the structure.

Commissioner Wolfe moved to approve the professional services agreement with Resolution Group for Project 2024-18, Bridge 229 replacement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

No old business presented at today's meeting.

IN THE MATTER OF STAFF REPORTS

- APC –
- Capital Investments / Facilities – 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 Highways presented the following item(s):

- 1) Asphalt Materials has submitted a request to extend their 2024 liquid asphalt bid through 2025. Executing the agreement to carryover their bid would keep the price for liquid asphalt consistent with the 3 previous years. They could also submit a bid through the annual material bids to establish a price for next year.
Commissioner Beyer noted that the county has extended its bid for several years and that prices for asphalt have begun to fall. He recommended putting the project out for bid this year, as we may receive submissions from two or three vendors.
- 2) The right-of-way phase at the CR 400 E / CR 100 S intersection is ongoing and offers are going to be sent for review. Nick requested approval to proceed with condemnation if necessary to acquire the property required. There are a total of six parcels.
Commissioner Wolfe moved to authorize County Attorney Bob Clutter and Nick Parr to work through the process on condemnation. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 3) Other highway items for information / discussion:
 - Construction on Bridges 17 & 19 is ahead of schedule, CR 1075 W could be reopen in the next 10-14 days weather permitting.
 - CR 300 N at CR 150 W is anticipated to close for 3 weeks starting on or after 10/21
 - Railroad crossing repairs on CR 375 N and CR 450 N are ongoing

IN THE MATTER OF DOCUMENT SIGNING

- 1) The following Veridus Group recommendation letters:
 - **Recommendation Letter 108** - Hagerman's PCO #058 in the amount of credit of (\$2,418.00) dated September 26, 2024, for an acceptable VE option for the ACT ceiling tile in the Evidence Processing and Kitchen area.
 - **Recommendation Letter 109** - Hagerman's PCO #068 in the amount of a credit for (\$1,408.00) dated September 26, 2024, for a VE option to reduce the attack rating on the 2nd floor Central Control glazing system from 60 minutes to 20 minutes.
 - **Recommendation Letter 110** - Hagerman's PCO #082 in the amount of \$9,841.00 dated September 27, 2024, for the replacement of the Autopsy light apparatus. This replaces the autopsy light specified in the light fixture schedule on the contract documents with one that has an integral camera. This camera will provide capabilities to record and display the autopsy on the adjacent video monitor.
 - **Recommendation Letter 111** - Hagerman's PCO #087 in the amount of \$2,076.00 dated September 27, 2024, for the addition of fifteen (15) patch panels. These panels have been requested from Boone County IT and are needed to provide consistency throughout the county of having the different low voltage systems on designated panels.

Commissioner Beyer moved to ratify the Veridus Group recommendation letters as presented. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Claims Dockets – regular, prepaids, payroll, and insurance.
Commissioner Beyer moved to approve Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF MAIL

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

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 9:54 AM on Monday, October 21, 2024. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.