

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE MARCH 20, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, March 20, 2023 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 9:10 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 Beyer moved to approve the Minutes of February 21, 2023 and March 6, 2023 Commissioners' Meetings as presented. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF MEMORANDUM OF EXECUTIVE SESSIONS

Commissioner Wolfe moved to approve the Memorandum of Executive Sessions for February 6, 2023 and March 6, 2023 meetings as presented. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

Attorney Bob Clutter presented the following items:

- 1) Veridus Group Recommendation Letter 018 to proceed with procuring Dell-specific IT equipment per Magik Technology Solutions, Inc's Proposal 2998 dated January 12, 2023. The recommendation for this specific scope of work is presented given the following considerations:
 - Dell-specific IT equipment is custom configured and therefore subject to longer lead times in comparison to the balance of the IT equipment package scoped by GUTS.
 - Remaining balance of IT equipment per Magik Technology Solutions' subsequent proposal will be released at a later date under separate recommendation.

The total amount of the Magik Technology Solutions, Inc. proposal is \$521,598. The proposal was previously approved by Commissioner Wolfe on March 15, 2023, requesting ratification.

Commissioner Beyer moved to approve ratifying the Magik Technology Solutions, Inc. proposal in the amount of \$521,598. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF REQUEST USE OF THE COURTHOUSE

Amy Johnson, Executive Director of the Boone County Youth | Adult Orchestra, submitted a request to use the courthouse rotunda for a concert tentatively planned for Saturday, May 13, 2023 at 5:00 PM. They anticipate needing access to the building from 3 PM to 6:30 PM. Proper security will be established through the Boone County Sheriff's Department.

Commissioner Wolfe moved to approve use of the courthouse rotunda on Saturday May 13, 2023 from 3PM to 6:30PM. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF HEALTH BOARD APPOINTMENT

Lisa Younts, Health Department Administrator, the three candidates for the open position on the Boone County Board of Health – Lacey Henson, John Casey, and Michael Hornbecker. It is the opinion of the Board of Health that any of the three candidates would be a positive addition to the Board, but Lacey Henson has the experience and credentials that are most relevant to the Board's work.

Commissioner Beyer moved to approve appointing Lacey Henson to replace Anne Patterson on the Boone County Board of Health. Her term will begin on March 20, 2023, and end on December 31, 2026. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF PURE DEVELOPMENT AGREEMENT

Nick Parr, Director of Highways, presented the Pure Development Agreement for the reimbursement of construction oversight inspection services provided by Butler Fairman & Seufert (BF&S) and Burgess & Niple, Inc. (B&N) for the Limitless Exploration/Advanced Pace (LEAP) District improvements. The project continues to progress with aggressive timelines and schedules. The Boone County Highway Department has not received the final sets of plans for this project. The department reached out to various firms to see who had inspection staff available this late in the year – high-level skilled individuals that can oversee a lot of this work for the department. They have identified Butler Fairman & Seufert (BF&S) and Burgess & Niple, Inc. (B&N) to perform these services for this project. Nick Parr would not recommend execution at this time of the Pure Development, Butler Fairman & Seufert, or Burgess & Niple, Inc. agreements for construction inspection services for the LEAP site until the County has received the total amount for the cap on these services from Pure Development. Nick Parr commented it has been communicated to Pure and IEDC that the dollar amounts for these agreements are going to be rather large to ensure the County has a high enough level of staff to be onsite for the number of hours the services is going to take for this project. The IEDC's proposed schedule has a lot of overlap and is very aggressive. It would also be difficult for BF&S and B&N to provide an accurate not-to-exceed dollar amount when so much of this project is still in flux. Representatives from Lilly and IEDC will be present at the April 3rd workshop to discuss County owned infrastructure related to the Lilly Project (LEAP Phase 1). Kevin Krulik, City of Lebanon Engineer, has been working closely with Nick Parr on this project. The Lilly site will be going before the City of Lebanon Plan Commission for development plan approval at their meeting tonight. Assuming that is approved, that will allow them to move forward with filing the final construction plans for the site. Lilly would like to begin construction as early as April. Kevin Krulik added that the Lilly and Pure Development teams have been great to work with thus far. There was discussion on the land for the water and sewer lines for this project. Debbie Crum, County Auditor / Resident, asked how do they plan

on keeping the local residents safe with the anticipated traffic increase of 3,000+ motor vehicles? Nick Parr commented that is the County's major concern going from a few hundred cars per day to a few thousand cars per day on those roads. It will be beneficial for the Lilly and IEDC representatives to address this at the upcoming workshop. The IEDC commissioned a traffic road study last summer/fall, and Lilly took that a step further with another consultant to look at traffic flow during each phase of the construction for the Lilly site.

No action was taken on this agreement.

IN THE MATTER OF BUTLER FAIRMAN & SEUFERT AGREEMENT

Nick Parr, Director of Highways, presented the Butler Fairman & Seufert agreement for construction inspection services for infrastructure improvements in the area of the Indiana Economic Development Corporation's (IEDC) LEAP site. The cost of these services will be reimbursed by Pure Development and IEDC.

No action was taken on this agreement.

IN THE MATTER OF BURGESS & NIPLE, INC. AGREEMENT

Nick Parr, Director of Highways, presented the Burgess & Niple, Inc. master services agreement and task order #1 for the construction inspection services for infrastructure improvements in the area of the IEDC's LEAP site. The cost of these services will be reimbursed by Pure Development and IEDC.

No action was taken on this agreement.

IN THE MATTER OF OLD BUSINESS

1. EMPLOYEE HANDBOOK POLICY UPDATE(S)

Megan Smith, Human Resources Director, presented policy updates at the January 17th meeting that were tabled. Some discussion has been had regarding the proposed policy changes. The policies are being brought forward today for reconsideration.

- 4-4 HOLIDAYS

The Board of Commissioners will establish a holiday schedule each year and post it prior to the beginning of the upcoming year. A schedule of holidays for each current year shall be distributed to each county office by the end of the preceding year.

The County will grant paid holiday time off to all regular full-time employees. Part-time employees are not eligible for holiday pay. Holiday pay will be based on the employee's straight time pay rate (as the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, regular full-time employees must work the last scheduled day immediately preceding the holiday and the first scheduled day immediately following. If an employee is absent without authorization on the day preceding and/or following a holiday he or she will not receive compensation for the holiday.

If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would have otherwise applied. If an eligible employee works on a recognized holiday, he or she will receive his or her normal straight-time rate for the hours worked on the holiday plus Holiday pay.

Lisa Bruder, County Clerk, proposed there be an exception for the Clerk's office calculation of overtime during election weeks. She would like for her staff to accrue at the 1.5 Rate for overtime beginning at the 35 hours. There was discussion between the commissioners that if they were to do this for the Clerk's office then they should amend the policy across the board for all offices working 35-hour work weeks. This could have an impact on the budget if they moved forward with this. Debbie Crum, Auditor Crum, advised the Clerk to go before the County Council to request a stipend or increased rate of pay for the Clerk's office staff on Election Day (primary and general).

Commissioner Wolfe moved to approve the proposed changes highlighted for the holiday policy. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 5-4 OVERTIME

Overtime is defined as any time worked beyond the established and prescribed usual work period. Any and all overtime will be worked only at supervisory request or with supervisory approval.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. Whenever possible, advance notification of these mandatory assignments will be provided.

Overtime compensation is paid to all nonexempt employees in accordance with Federal and State Wage and Hour restrictions. As required by law, overtime pay is based on actual hours worked.

For Highway Department non-exempt employees, time off for holidays and jury duty will be considered as hours worked for purposes of calculating overtime. PTO or any leave of absence will not be considered hours worked for purposes of calculating overtime.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge.

Vendors having signed, written contracts with county offices are expected to do their own work on their own time, and in no circumstances, are they to cause overtime for county employees and/or county officials. County employees are prohibited from being employees of the vendor during county office hours unless the county employee is on authorized leave of absence or using his or her own vacation time.

All time worked at or less than 40 hours on a one-week schedule will be compensated at the employee's regular rate.

All time worked beyond 40 hours on a one-week schedule will be compensated either by pay at one and one-half times the regular rate or by granting one and one-half hours of compensatory time off during the regular working hours for every hour worked.

In cases of inclement weather or other emergencies requiring work by Highway Department employees, the Department Head may require all or any part of the Department's employees to report to work at earlier hours.

The Department Head shall exercise discretion in establishing a reasonable policy for calling employees to work early or to work overtime. In establishing such policy, seniority of service shall be given first consideration when only a limited number of employees are needed to work.

Employees who are authorized to work on a day when operations are officially closed will receive regularly scheduled hours of pay plus straight time pay for hours actually worked.

When the operation of the equipment to which operators are assigned require safety and economy of operation that place a premium of the operator's skills and experience, then operators may be assigned by the Department Head notwithstanding seniority. The assignments will be dependent upon the equipment needs for the nature of the weather or emergency on any given day.

Highway Department non-exempt employees who work on any day(s) which have been designated by the Board of Commissioners as holidays for county employees shall receive their regularly scheduled hours of pay plus their straight time rate for the hours actually worked on the holiday.

Clerk Department non-exempt employees who work on Election day(s) which have been designated by the Board of Commissioners as holidays for county employees shall consider the Election day holiday hours as hours worked for the purposes of calculating overtime.

When Highway Department employees are called to work at an hour earlier than the normal workday hour, the Department Head shall have the discretion to either dismiss all employees after eight (8) hours of work (plus one-half hour for lunch) and to assign employees for overtime, if needed, or to extend employee's working to the normal hour of dismissal if, in the opinion of the Department Head, there exists sufficient work or training to actively engage the employees.

An emergency call-out will be considered overtime. An emergency call-out will carry a minimum of 2 hours per call.

Commissioner Wolfe moved to approve the proposed changes highlighted for the overtime policy. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 4-7 PAID TIME OFF (PTO)

Eligible employees accrue PTO hours according to their weekly work schedule and the employee's years of service as of the beginning of the pay period following their anniversary date with the County based on the accrual schedule outlined below. If an employee is transferring from a part-time position to a full-time position, the part-time hire date will be considered for the purpose of PTO accrual.

Commissioner Wolfe moved to approve the proposed changes highlighted for the PTO policy. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

2. HEALTH INSURANCE COMMITTEE APPOINTMENT

- Megan Smith, Human Resources Director, proposed appointing Councilman Kenneth “Kenny” Hedge to the Health Insurance Committee to replace former Councilman Lamb, who recently resigned. Councilman Hedge has prior experience being on the Health Insurance Committee.

Commissioner Wolfe moved to approve appointing Councilman Hedge to the Health Insurance Committee. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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 Highway Department presented the following items:

- 1) Construction in right-of-way permit (#202310010-24) for Charter Communications Spectrum at various locations throughout the northwest part of the county. This is a large extension of fiber buildout. The Boone County Highway Department recommends approval subject to conditions of reimbursing the county for construction inspection services and attending a preconstruction conference. They have also been instructed to work with the Boone County Surveyor’s Office. The Bond amount is \$90,000.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310010-24) for Charter Communications Spectrum. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Construction in right-of-way permit (#202310025) for Chuck Mckean at 6510 W 650 N for underground construction to provide service. The Boone County Highway Department recommends approval with a \$25,000 Bond.

Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310025) for Chuck Mckean. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) Construction in right-of-way permit (#202310026) for Structurepoint at CR 150 W from CR 300 N to CR 375 N to install a 16” water main extension. The Boone County Highway Department recommends to table this permit due to some concerns regarding proposed closures. No action was taken on this permit.

- 4) Construction in right-of-way permit (#202310027) for CenterPoint Energy at 7451 S 775 E for the installation of gas main and service tie-in for customer/residents. The Boone County Highway Department recommends approval.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310027) for CenterPoint Energy. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 5) Road closure permit (#202330004) for Sunbrook Villas, LLC at the entrance of Sunbrook Villas (Witt Road/CR 275 N) to install a water line tie-in. They are anticipating a week closure beginning next week. The Boone County Highway Department recommends approval. Commissioner Wolfe moved to approve the road closure permit (#202330004) for Sunbrook Villas, LLC. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
 - 6) Road closure permit (#202330005) for Structurepoint at CR 150 W and CR 375 N for the LEAP water main extension. The Boone County Highway Department recommends approval. Commissioner Beyer moved to approve the road closure permit (#202330005) for Structurepoint. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
 - 7) Requesting signature on the title sheet for the Bridge 2021-02, Bridge 21 replacement project.
 - 8) SR 75 closure north of SR 32 is expected to be 6/28/2023 and re-open 7/25/2023.
 - 9) UN-015, CR 300 S between 800 E & 875 E, is scheduled to close for replacement around the end of March or early April.
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IN THE MATTER OF DOCUMENT SIGNING

- 1) Accept an Irrevocable Letter of Credit for Jackson Run East Subdivision.
 - Stormwater Drains in the amount of \$562,910.00
 - Erosion Control in the amount of \$125,000.00The Boone County Surveyor's Office recommends approval. Commissioner Wolfe moved to approve the Irrevocable Letters of Credit for Jackson Run East Subdivision as submitted. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
 - 2) Claims Dockets – regular, prepaids, payroll, and insurance. Commissioner Wolfe moved to approve Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
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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 10:37 AM on Monday, March 20, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.