

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE MAY 15, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, May 15, 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 9:06 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 April 17, 2023 and May 1, 2023 Commissioners' Meeting as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

Attorney Bob Clutter presented the following items:

- 1) Maintenance Bond for Cardinal Pointe Landings Section 2 for acceptance.
 - Erosion Control in the amount of \$25,275.00.
 - Storm Sewer in the amount of \$211,358.95

Commissioner Beyer moved to approve the acceptance of the Maintenance Bond for Cardinal Pointe Landings Section 2 – Erosion Control and Storm Sewer. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Performance Bond for 65 Commerce Phase 3 Legal Drain for release.
 - Storm Drain in the amount of \$32,400.00.

Commissioner Beyer moved to approve the release of the Performance Bond for 65 Commerce Phase 3 Legal Drain – Storm Drain. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 3) Maintenance Bond for 65 Commerce Phase 3 Legal Drain for acceptance.
 - Storm Drain in the amount of \$8,100.00.

Commissioner Beyer moved to approve the acceptance of the Maintenance Bond for 65 Commerce Phase 3 Legal Drain – Storm Drain. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**IN THE MATTER OF BID OPENING FOR PROJECT 2023-03,
MICROSURFACING IN VARIOUS TOWNSHIPS**

COMPANY: Pavement Solutions, Inc.

DATE RECEIVED: May 11, 2023 at 1:35 PM

BASE BID: \$36,415.75

ALTERNATE 1: \$100,446.15

ALTERNATE 2: \$201,361.00

ALTERNATE 3: \$79,300.50

ALTERNATE 4: \$91,948.40

ALTERNATE 5: \$39,382.40

ALTERNATE 6: \$34,704.60

ALTERNATE 7: \$99,524.10

TOTAL BASE BID + ALTERNATES 1-7: \$683,082.90

Commissioner Wolfe moved to approve taking the bid received under advisement for review by the Boone County Highway Department. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF PUBLIC HEARING ON PROPOSED CUMULATIVE BRIDGE FUND

Bob Clutter, County Attorney, presented the proposed re-establishment of a Cumulative Bridge Fund under the provisions of Indiana Code 8-16-3 for all uses as set out in Indiana Code 8-16-3. The tax will be levied on all taxable real and personal property within the taxing district and will not exceed ten cents (\$.10) per \$100 of assessed valuation. The proposed fund will be levied beginning with taxes due and payable in the year 2024. Councilwoman Wilhoite recommends raising it to the statutory maximum. Commissioner Wolfe commented that this is not a tax increase but a shift of funds between one levy to another. The notice to taxpayers of the hearing on the proposed Cumulative Bridge Fund was advertised two times in the Lebanon Reporter (5/4 and 5/11) and the Indy Star (5/3 and 5/10).

Commissioner Lawson opened the Public Hearing at 9:10 AM for public comment. Councilwoman Nieshalla thanked County Attorney Clutter. No members of the public came forward to comment. The Public Hearing was closed at 9:11 AM.

Commissioner Beyer moved to approve reestablishing the Cumulative Bridge Fund rate to the statutory maximum amount. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF GANNETT CREDIT APPLICATION

Bob Clutter, County Attorney, presented the Gannett credit application for publications in the Indy Star.

Commissioner Wolfe moved to approve the Gannett credit application. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF AVERHEALTH CONTRACT ADDENDUM

Michael Nance, Executive Director of Community Corrections, presented the addendum to the Averhealth contract for the purchase of their instant drug screen cups.

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

IN THE MATTER OF INDOT DES NO. 2300315 CCMG 2023-1

Nick Parr, Director of Highway, presented the Indiana Department of Transportation (INDOT) Community Crossing Match Grant (CCMG) Agreement (Des No 2300315) for the surface treatment - microsurfacing.

Location:

Route Name	From	To
ELIZAVILLE RD	1446' W of John Bart Road (Lebanon Cit	CR 300 N
300 N	Elizaville Road	CR 300 E
ELIZAVILLE RD	CR 300 N/ Elizaville Rd	CR 450 N
E 450 N	Elizaville Rd/ 300 E	Elizaville Rd
ELIZAVILLE RD	CR 450 N / Elizaville Road	CR 500 E
S 200 E	Lebanon City Limits	Hendricks County Line
HALL BAKER RD	2,700' N of CR 250 S	CR 260 S
250 S	SR 39	CR 100 E / Hall Baker Road

Commissioner Wolfe moved to approve the INDOT Des No. 2300315 CCMG 2023-01 Agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF BULLSEYE FENCE DESIGN INC. CONTRACT

Max Mendenhall, Director of Capital Investments, presented the Bullseye Fence Design Inc. contract to replace the north gates at the highway department. They will also realign the fence to accommodate sliding gates. The total contract amount is \$21,880. This is a budgeted item.

Commissioner Beyer moved to approve the addendum to the Bullseye Fence Design Inc. contract. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

1. **BOONE COUNTY JUSTICE CENTER UPDATES** – Max Mendenhall, Director of Capital Investments, presented the Boone County Justice Center updates on behalf of the project manager.

- **Safety**

- 32 Days without a recordable incident
- Still working through Standpipes for Fire Control. In discussions with Hagerman
- Risk management for site visit occurred at 1100 hours on 5/10. Went well with Insurance carrier for county. No major issues. Next on-site visit around October. More virtual meetings to schedule in between.

- **Issues**

- Rain Delays - 12
- Short outage of cameras during removal of current wiring in old admin area. Cameras were all thought to be on fiber but still had four camera switches on copper and they were cut but easily spliced backed together by Facilities.

- **General**

- Continue with our daily on-site meetings and then the OAC (Owner Architect Contractor) meeting once a week. This week was focused on demo of the roof and walls in front of admin area.
- The last couple of weeks has been focused on demo of exterior of building and finishing demo of interior admin area.
- Working on layering of soil for building E site. Rain caused a delay during layering.

- **Utilities**

- Permitting and availability fees completed.
- New waterline tapped and completed into facility.

- **Permitting**

- Demolition Permit through the county APC was completed for demolition of current facility.
- Continue working on new construction permit before any foundation work starts through county APC.
 - Check issued this week for permitting fees of \$12,575.00.
 - Variance Fee of \$275.00 was paid to county APC.
- Foundation Permit was delivered to the site.
- Working closely with Inspector Kerby Britton on the inspection schedules and site visits.
- A TAC meeting was conducted on Wednesday 5/3. It was decided to have a variance for the setback as well as the parking requirements for the facility.
- A detailed plan was submitted to the APC Director on 5/8 to utilize parking around the different county owned property close to the facility. This could negate the parking space variance need.

- **Civil**

- Working on seed and straw for swale as it is complete.
- APEC submitted a final report on the Cemetery Development Plan referencing the fact that no cemetery plots were disturbed.
- Max is working with Brian Daggy to place cover-crop on the south side of the swale.

- **IT related Items**

- Comcast cutover completed.
- MetroNet cutover completed on 5/9/23.
- AT&T equipment for new line delivered. Cutover scheduled for Midnight on 5/24/23.
- Beginning to work on Logistics/Scheduling plan of all IT related hardware and infrastructure to move from current existing IT server room to new Building A Server Room

2. **TIMECLOCK PLUS UPDATES** - Megan Smith, Human Resources Director, presented on behalf of the project manager.

- **Scope of the project:**

- **Phase 1 – COMPLETE** - complete the implementation of TCP for all county employees that are required.
- **Phase 2 – IN PROGRESS**

- **Where are we?**

- HR is working with each department head and elected official to make sure PTO bank is accurate for each employee. - **COMPLETED**
- Curt is working on integration into CYMA and running tests for both Community Corrections and Extension Office since they will be our test departments for integration.

3. **EMPLOYEE HANDBOOK POLICY UPDATE** – Megan Smith, Director of Human Resources, presented the following policy amendments:

TIMEKEEPING AND PAYROLL

Time Clock Plus is the time and attendance system utilized by the County. The following applies to employee use of the Time Clock Plus time and attendance system.

- All employees, excluding Elected Officials, shall clock in and clock out utilizing a time clock.
- Entering in time sheets and remote web clocks shall not be used unless for meetings, conferences, training, or hours worked outside or in addition to the normal work schedule.
- All nonexempt employees must clock in and out for lunch unless this policy allows otherwise.
- All employees shall use the time clock by the doors where available or access the time clock through a County computer. The remote web clock (personal computer/smartphone) may be used only when the fingerprint time clocks or County computer time clocks are not available or accessible. Department Heads need to submit a list of positions that will need remote clock in access to the Commissioners for approval.
- Morning and afternoon fifteen (15) minute breaks shall not be combined for an hour and one-half (1.5) lunch or combined to be used at some other time of the workday, such as the beginning or end of the workday.
- The employee will sign off on their timesheet to certify the accuracy of all time recorded. The Department Head or Elected Official will review and then sign the time record before submitting it for payroll processing.
- All Paid Time Off used must be kept current and recorded on each payroll claim.

Proposed Changes

- All employees, excluding Elected Officials, Court staff, and Sheriff Department, shall clock in and clock out utilizing The Time Clock Plus system.
- All nonexempt employees must clock in and out for lunch and for all other approved short term absence (i.e. Doctor's appointment and other personal needs). Department Heads and Elected Officials may approve nonexempt employees to work through lunch on occasion depending on staffing requirements.
- All employees shall use the time clock by the doors where available or access the time clock through a County computer. The remote web clock (personal computer/smartphone) may be used only when the fingerprint time clocks or County computer time clocks are not available or accessible. Department Heads need to submit a list of positions that will need remote clock in access to the Commissioners for approval. Proposing to remove this sentence: Department Heads need to submit a list of positions that will need remote clock in access to the Commissioners for approval.

LODGING AND PER DIEM

Boone County lodging and per diem rates are based on the US General Services Administration Guidelines (<https://www.gsa.gov/travel/plan-book>). The County will reimburse lodging expenses at the standard rate outlined in the GSA lodging guide based on the location and month of the year.

Proposed Change

The County will reimburse lodging expenses of the designated conference hotel or at the standard rate outlined in the GSA lodging guide based on the location and month of the year.

Reasoning: The GSA rate has been known to be lower than the conference hotel rate. If an employee stays at a non-conference hotel for a lower rate, we then may have to reimburse mileage.

Commissioner Wolfe added that the designated conference hotel at the designated conference hotel rate.

Commissioner Wolfe moved to approve the Employee Handbook policy updates as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF PUBLIC COMMENT

Corbin, an 8-year-old local resident, wanted to talk to the commissioners about bus safety for him and his classmates that live near the construction site for the Eli Lilly/LEAP development. The traffic has increased significantly since the construction began. About 1,000 cars and trucks travel on these roads daily now. Construction traffic is expected to peak at about 3,000 per day. Several trucks have been seen driving by stopped buses with the stop arm extended while students are entering and exiting the school buses. The pictures below were displayed at the meeting.



Western Boone Community Schools Superintendent Rob Ramey told Corbin that he did a nice job presenting his concerns. Superintendent Ramey said motorists have passed the school corporation's stop arm on the buses twenty-eight (28) times since January of this year, adding SR 39 north and south of Lebanon seem to be the two hotspots for their district. The school district takes these violations very seriously. Commissioner Lawson thanked Corbin for coming to today's meeting. He did a great job presenting his concerns for the safety of those who live in the area and his classmates. Commissioner Lawson suggested to Superintendent Ramey that Western Boone School District should consider mounting cameras on the exterior of the buses to capture images of vehicles that pass stop arms. Other school districts are already utilizing these camera systems. Superintendent Ramey said the school board is considering the purchase. Commissioner Lawson also encouraged anyone who sees a vehicle violate the stop arm on a bus to take a picture or video if possible and to report the incident to the Boone County Sheriff's Office for investigation and enforcement.

Rae Hostetler with Hostetler Public Relations represents Flour and Eli Lilly. She commented that representatives would like to hear from Corbin's family and would like to receive any images or video footage available. Safety is their number one priority. (Note: It was later identified that the trucks shown in the images are not related to the Lilly site work, per Ms. Hostetler.)

IN THE MATTER OF STAFF REPORTS

- APC – Stephen Elkins
- 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

Stephen Elkins, Director of Area Plan Department presented the following items:

- 1) The Area Plan Commission will be hosting a public meeting tonight, May 15th, at 6pm in the auditorium at Western Boone Jr./Sr. High School. The board will discuss the potential upcoming additions of Overlay Districts. An overlay district is a geographic zoning district layered on top of another existing zoning district that implements additional development regulations. Proposed overlay districts are

adjacent to state roads and interstate highways. Rundell Earnestberger Associates, Inc. (REA) representatives will be present at the meeting. Mailers were also sent to surrounding property owners.

Elise Nieshalla, Council President announced:

- 1) The American Legion Post 79 in Zionsville, Indiana will be hosting the annual Boone County Senior Salute this evening. The Senior Salute is a way of honoring the high school seniors who are going to serve our country in the military.

Jennifer Lawrence, Director of Boone County Solid Waste Management District (BCSWMD):

- 1) Thanked the Boone County Highway Department and Boone County Health Department for their partnership with the Tox Drop Collection that was held on Saturday, April 29th. They hosted 540 vehicles at that event. They collected 9.6 tons of electronics, 3 tons of tires, 16.3 tons of household hazardous waste to recycle or properly dispose of those items to keep them out of the standard landfill. Special thank you to the following:
 - o Nick Parr and Max Mendenhall for hosting the BCSWMD event at the Boone County Highway Department facility.
 - o Jason Holmes, Abby Misner, and Kacey Schenck with helping BCSWMD staff the event.

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

- 1) Construction in right of way permit (#202310046) for Miller Pipeline / CenterPoint Energy at CR 425 S – CR 700 E – CR 500 S for the replacement of new gas main. The Boone County Highway Department recommends approval with a \$35,000 Bond.

Commissioner Beyer moved to approve the construction in right of way permit (#202310046) for Miller Pipeline / CenterPoint Energy. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Construction in right of way permits (#202310047-50) for Charter / Spectrum at various locations south / southwest of Thorntown for the installation of UG duct with fiber optic cable. The Boone County Highway Department recommends approval with a \$30,000 Bond.

Commissioner Wolfe moved to approve the construction in right of way permits (#202310047-50) for Charter / Spectrum. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) Construction in right of way permit (#202310052) for Charter / Spectrum at CR 500 W and SR 47 for the installation of power supply box. The Boone County Highway Department recommends approval with a \$5,000 Bond.

Commissioner Beyer moved to approve the construction in right of way permit (#202310052) for Charter / Spectrum. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 4) Construction in right of way permit (#202310053) for American Structurepoint on behalf of the Indiana Economic Development Corporation (IDEC) at CR 150 W (Witt Road) from SR 47 to CR 450 N for the roadway reconstruction and bridge replacement.

Commissioner Wolfe moved to table construction in right of way permit (#202310053) for American Structurepoint. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 5) Construction in right of way permit (#202310054) for American Structurepoint on behalf of the Indiana Economic Development Corporation (IDEC) at CR 375 N from SR 30 to 400' east of CR 150 W (Witt Road) for the roadway reconstruction and small structure replacement.

Commissioner Wolfe moved to table construction in right of way permit (#202310054) for American Structurepoint. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 6)** Construction in right of way permit (#202310055) for American Structurepoint on behalf of the Indiana Economic Development Corporation (IDEC) at CR 450 N from CR 150 W (Witt Road) to SR 29 for the roadway reconstruction and gravel conversion.
Commissioner Wolfe moved to table construction in right of way permit (#202310055) for American Structurepoint. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 7)** Construction in right of way permit (#202310056) for American Structurepoint on behalf of the Indiana Economic Development Corporation (IDEC) at the eastern bypass between CR 375 N and CR 450 N for the roadway construction.
Commissioner Wolfe moved to table construction in right of way permit (#202310056) for American Structurepoint. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 8)** Construction in right of way permit (#202310057) for Boone REMC at 11745 W 400 N to bore new service under roadway. The Boone County Highway Department recommends approval with a \$5,000 Bond.
Commissioner Wolfe moved to approve the construction in right of way permit (#202310057) for Boone REMC. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 9)** Road closure permit (#202330010) for Calumet Civil Contractors / Town of Zionsville at CR 800 E and Oak Street. The approximate date of the closure is June 5, 2023 – September 11, 2023. The Boone County Highway Department recommends approval of the closure.
Commissioner Beyer moved to approve the road closure permit (#202330010) for Calumet Civil Contractors / Town of Zionsville. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 10)** The 2022 Annual Operations Report for Local Roads Street and Bridges.
Commissioner Wolfe moved to approve the 2022 Annual Operations Report for Local Roads Street and Bridges. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 11)** Indiana Department of Transportation (INDOT) updated Unofficial Local Detour for SR 47, 3.03 miles south of SR 75. Due to the location of the barricades that are placed for the closure, the Boone County Highway Department requested an updated detour route. The department is requesting reimbursement for dust control and maintenance of CR 650 N from SR 47 to CR 1100 W.
Commissioner Wolfe moved to approve the updated INDOT Unofficial Local Detour for SR 47 – Des No 1800141. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 12)** ITI Services Agreement for drug and alcohol testing. The only change to the agreement is the addition of a \$20 fee for reviewing test results taken by a third-party company that was not in the original agreement.
Commissioner Beyer moved to approve ITI Services Agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 13)** Working in the RW violation Permit #202310051 CR 200 N, 1,000' of 250 E. Matt Viehe applied for a permit and was informed to wait until permit approval at the 5/15 meeting. He proceeded to do the work anyway and cut across a county road to place a tile. Section 150.90 of ordinance 2017-13, Permitting Work in the Right of Way, indicates the fine for violation will not exceed \$2,500 and the violator is responsible for the costs of restitution for damages caused. There is also a fee of \$250 per day that applies for inspection and enforcement of violations.

Commissioner Wolfe moved to authorize Nick Parr and Bob Clutter to produce a letter to Mr. Matt Viehe outlining the violations of the Ordinance and imposing a fine. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 14) While incurring the issues pertaining to right of way permitting and work in the right of way, it has come to our attention that the ordinance needs to be updated. The Boone County Highway Department (BCHD) would like permission to work with the County Attorney to add language to the ordinance that requires permittees to bore their facilities and provide us detailed as built drawings that have been stamped by a licensed/ certified professional. Other information that would be beneficial to the ordinance includes depth that facilities must be installed below existing county infrastructure. We have limited space for utilities to be placed and there has been a significant increase in the requests to place utilities in the right of way. Plowing to place new infrastructure, although may be cheaper and quicker, causes significant damage to drain tiles and previously placed utilities. The commissioners authorized Nick Parr to work with the County Attorney.

Commissioner Beyer commented:

- 1) At the last meeting he mentioned that he would like to see all the county infrastructure that is being proposed by the Indiana Economic Development Corporation (IEDC) go through a public bidding process. This generated some conversation after the meeting. Taxpayer dollars are being used for these project improvements. Commissioner Beyer will not be inclined to vote on construction in right of way permits that were tabled until the public bidding process has taken place.

IN THE MATTER OF DOCUMENT SIGNING

- 1) Affidavit for payment to Lochmueller Group in the amount of \$17,785.85 (Invoice #312208) for the Boone County culvert replacement of SC015.

Commissioner Wolfe moved to approve the affidavit for payment to Lochmueller Group. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) Affidavit for payment to Lochmueller Group in the amount of \$24,737.54 (Invoice #1212031) for the Boone County culvert replacement of SC015.

Commissioner Wolfe moved to approve the affidavit for payment to Lochmueller Group. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) Indiana Department of Transportation (INDOT) / Boone Area Transit System (BATS) claim in the amount of \$44,419 for Quarter 1 of the Emergency Relief CARES funding.

Commissioner Beyer moved to approve the INDOT/BATS claim. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 4) Indiana Department of Transportation (INDOT) / Boone Area Transit System (BATS) claim in the amount of \$95,507 for Quarter 1 of the Section 5311 funding.

Commissioner Beyer moved to approve the INDOT/BATS claim. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 5) 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.

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 10:02 AM on Monday, May15, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.