

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE JUNE 5, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, June 5, 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 9:02AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

A moment of silence to honor Vice President Councilwomen Marcia Wilhoite.

IN THE MATTER OF MINUTES

Commissioner Wolfe moved to approve the Minutes of May 15, 2023 (regular) and May 19, 2023 (special) Commissioners' Meetings as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF EXECUTIVE SESSION MEMORANDUM

Commissioner Beyer moved to approve the Commissioners' Executive Session Memorandum for May 9, 2023 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) Irrevocable Letter of Credit for Jackson Run South East in the amount of \$350,000.00 for acceptance.

Commissioner Beyer moved to approve the Irrevocable Letter of Credit for Jackson Run South East. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**IN THE MATTER OF STATEMENT OF THE BASIS
FOR JUST COMPENSATION WITH LEBANON UTILITIES**

County Attorney Bob Clutter presented the Statement of the Basis for Just Compensation with Lebanon Utilities. The area and type of interest being acquired is 0.922 Acres of Permanent Utility Easement. They are requesting a partial acquisition of the real property. The location is near the southwest corner of South 100 E and Interstate 65, Lebanon, Boone County, Indiana. Total Just Compensation offered for this acquisition is \$20,000.

Commissioner Wolfe moved to approve accepting the Statement of the Basis for Just Compensation. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

**IN THE MATTER OF ORDINANCE 2023-06
OPT-IN FOR A BOARD APPOINTMENT TO ASPIRE**

County Attorney Bob Clutter informed the board that there was a recent change in state law that allows the County Commissioners to opt-in to make an appointment to the Aspire Board. The term for the appointment is 3 years, and will rotate with other counties in Indiana that also opt-in. Audrea Racine currently serves as the citizen appointment for Boone County. There was discussion on making Audrea Racine their appointment with her knowledge and experience in the field, which would open the citizen appointment, or if one of the commissioners would like to be appointed.

Commissioner Beyer moved to table Ordinance 2023-06. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF KEY2BUSINESS CREDIT CARD

Prosecutor Kent Eastwood presented the request for a credit card to be issued to the commander, Tony Bayles, with their Case Task Force.

Commissioner Wolfe moved to approve Key2Business Credit Card. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF DAVIS FURNITURE PROPOSAL

County Attorney Bob Clutter presented the Davis Furniture Proposal for convention theater chairs for Superior Court 1 in the amount of \$22,266.50. The proposal was previously approved by Commissioner Lawson on May 30, 2023, due to the urgency of getting the benches replaced as they were becoming hazardous.

Commissioner Beyer moved to approve ratifying the Davis Furniture Proposal. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**IN THE MATTER OF INDOT DES NO. 2300315
CCMG SURFACE TREATMENT MICROSURFACE**

Nick Parr, Director of Highway, presented the Indiana Department of Transportation (INDOT) Des No. 2300315 Community Crossings Matching Grant (CCMG) Agreement for surface treatment, microsurface at various locations. The maximum amount of state funds allocation to this Project is \$343,909.51 for the construction phase of this project.

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

**IN THE MATTER OF INDOT DES NO. 2300316
CCMG SMALL STRUCTURE REPLACEMENT WO016**

Nick Parr, Director of Highway, presented the Indiana Department of Transportation (INDOT) Des No. 2300316 Community Crossings Matching Grant (CCMG) Agreement for the replacement of small structure WO016 – New Bridge 593. The maximum amount of state funds allocation to this Project is \$200,304.81 for the construction phase of this project. Commissioner Lawson executed the agreement on May 16, 2023 in accordance with the Resolution authorizing the Commissioner President to sign INDOT agreements via DocuSign.

Commissioner Beyer moved to approve ratifying the INDOT Des No. 2300316 CCMG Agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**IN THE MATTER OF INDOT DES NO. 2300317
CCMG SMALL STRUCTURE REPLACEMENT SC015**

Nick Parr, Director of Highway, presented the Indiana Department of Transportation (INDOT) Des No. 2300317 Community Crossings Matching Grant (CCMG) Agreement for the replacement of small structure SC015 – New Bridge 21. The maximum amount of state funds allocation to this Project is \$434,650.00 for the construction phase of this project. Commissioner Lawson executed the agreement on May 30, 2023 in accordance with the Resolution authorizing the Commissioner President to sign INDOT agreements via DocuSign.

Commissioner Wolfe moved to approve ratifying the INDOT Des No. 2300317 CCMG Agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF INTERLOCAL AGREEMENT WITH WHITESTOWN FOR CR 300 E

Nick Parr, Director of Highway, presented the Interlocal Agreement with the Town of Whitestown for the paving of CR 300 E Project. Boone County is undertaking a project for road conversion of S CR 300 E from CR 400 S to CR 500 S. Approximately 36% of the Project includes the Whitestown Segment. The interlocal agreement indicates that the Town of Whitestown will cover the cost of their section of the road paving project allowing the road to be paved from intersection to intersection. The Town of Whitestown will reimburse Boone County for the costs incurred for the Improvements to the Whitestown Segment.

Commissioner Wolfe moved to approve The Interlocal Agreement with the Town of Whitestown for CR 300 E. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF INDOT REIMBURSEMENT AGREEMENT FOR THE SR 75 CLOSURE OVER I-74

Nick Parr, Director of Highway, presented the Indiana Department of Transportation (INDOT) Des No. 1595690 Agreement for the Unofficial Local Detour Reimbursement, SR 75 closure over I-75. The closure was much longer than anticipated. The County incurred costs during the closure equaling \$66,100.60.

Commissioner Beyer moved to approve INDOT Des No. 1595690 Agreement for the Unofficial Local Detour Reimbursement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF PAVEMENT SOLUTIONS AGREEMENT

Nick Parr, Director of Highway, presented the Pavement Solutions Agreement for Project 2023-03, microsurfacing in various townships. The not to exceed amount is \$683,082.90 for construction. Pavement Solutions were the lowest responsive responsible bidder for this project and have met all the requirements listed in the bid documents.

Commissioner Wolfe moved to approve the Pavement Solutions Agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

1) TIMECLOCK PLUS UPDATES

Michael Nielsen, Project Manager, presented the following Timeclock Plus updates:

- **Scope of the project:**
 - Phase 2 – In the process of implementing TCP to CYMA integration.
- **Where are we?**
 - Just wanted to share that the implementation of TCP has opened up the doors for us

to evaluate and look at how we can do business better as well as more efficiently, effectively, and more accurately for the entire county.

- Successful meeting with Auditor Crum and her staff on 5/24 to discuss the process, policies, and procedures for payroll.
- Because of the lack of policy and procedures we have seen discrepancies of consistency between departments, and we are working through some of those issues. (For instance, Flex Time, OT, PTO accrual, Etc.). We are in hopes that a set process, procedure, and policy definition will help with these inconsistencies.
- Still continuing to work on Geofencing with the prosecutor's Office for mobile Device Usage. Up and operational for two employees testing. Still working through the Geofencing area and how TCP works.
- Highway has asked for integration between TCP and Outlook Calendar with the scheduling portion of TCP. Began working on this enhancement.

2) **BOONE COUNTY JUSTICE CENTER UPDATES**

Michael Nielsen, Project Manager, presented the following Boone County Justice Center updates:

- **Safety**
 - 47 Days without a recordable incident
 - Still working through Fire Standpipes for Fire Control.
 - One entire day spent walking through the existing building with Ryan Fire to be able to properly address the current fire suppression and how to add to the existing system.
 - Day-to-day subcontractor meetings and safety meetings occurring.
- **Issues**
 - Rain Delays – 14 – Fortunate on the weather the last several days.
 - While digging footers for the new Community Corrections building, we ran into the water table. We were able to get engineers/architects to raise the footers for much of the building. In some of the deep areas such as the elevator shafts, we will install well points to divert water.
- **General**
 - Continue with our daily on-site meetings and then the OAC (Owner Architect Contractor) meeting once a week. Focus this week is Excavation of Building B and A as well as footers being poured in Building B.
 - Pouring footers in building B and will start in building A next week. We should see walls going up in building B in the next two weeks.
 - Masons are on site as well and have begun to build the interior block walls in the existing admin area.
 - Working on layering of soil for building E site. Building E site is built up and layers complete to grade. The site has passed all the compaction tests. This will allow us to begin to build on that site earlier than expected.
- **Utilities**
 - Gas line is utility, Miller Pipeline is installing a new gas line the last couple of weeks. We will then work with CenterPoint on the meter and new connection.

- New electrical is Lebanon Utilities and eventually new transformers will be installed. Lebanon Utilities have been on site as well.
- **Permitting**
 - Went in front of the BZA on the 24th for the setback variance. BZA approved the setback. We did have some folks on Allen Drive attend the meeting and voice some concern about noise as well as a barrier between them and the new construction. We met with them after the meeting, and we are working through solutions to mitigate the issues such as open communication and planting of trees. We will walk around the neighborhood next week.
 - I picked up our official building permit on 6/1 from the APC. Many thanks to the APC office. We will eventually have to deal with the landscaping variance closer to the completion of the project.
 - Working closely with Inspector Kerby Britton on the inspection schedules and site visits.
- **Civil**
 - Working on seed and straw for swale as it is complete. Max and Brian Daggy have dropped a cover crop on top of the area just south of the Swale.
 - Excavation continues at all site area now but Building D.
- **IT related Items**
 - AT&T cutover was at midnight on 5/24. Never lost any critical infrastructure or systems during cutover. Found that the Internet is the only service on AT&T fiber. All critical infrastructure is on copper.
 - 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

3) **RATIFY AREA PLAN DIRECTOR APPOINTMENT**

It was brought to the attention of the Boone County Board of Commissioners that the Executive Director for Area Plan Commission (APC) is their appointment, not the APC Board, per the APC Rules of Procedure. The APC recommends the appointment of Stephen Elkins.

Commissioner Beyer moved to approve ratifying the appointment of Stephen Elkins as the APC Executive Director. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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 APC:

- 1) Announced that there will be an Area Plan Commission meeting to discuss the proposed overlays following their regular scheduled meeting. The meeting will be held at the Western Boone Jr/Sr Highschool on Wednesday (6/7) at 7pm.

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

- 1) The Pure Development construction in right of way permits #202310053, #202310054, #202310055, and #202310056. There was a PowerPoint presentation relating to the permits for the roadway reconstruction. See **(Appendix #2)** for the PowerPoint (Recording 00:27:40 – 00:45:32). The Boone County Highway Department's included a list of proposed special conditions for the approval of Pure Development/American Structurepoint for IDEC construction in right of way permits #202310053, #202310054, #202310055, and #202310056. See **(Appendix #3)** for conditions.
 - Construction in right of way permit (#202310053) Pure Development/American Structurepoint for Indiana Economic Development Corporation (IEDC) at CR 150 W (Witt Road) from SR 47 to CR 450 N for roadway reconstruction and bridge replacement. The Boone County Highway Department recommends approval of the permit with special conditions and a \$15,000 Bond.
 - Construction in right of way permit (#202310054) Pure Development/American Structurepoint for Indiana Economic Development Corporation (IEDC) at CR 375 N from SR 30 to 400' east of CR 150 W (Witt Road) for the roadway reconstruction and small structure replacement. The Boone County Highway Department recommends approval of the permit with special conditions and a \$10,000 Bond.
 - Construction in right of way permit (#202310055) Pure Development/American Structurepoint for Indiana Economic Development Corporation (IEDC) at CR 450 N from CR 150 W (Witt Road) to SR 39 for the roadway reconstruction and gravel road conversion. The Boone County Highway Department recommends approval of the permit with special conditions and a \$10,000 Bond.
 - Construction in right of way permit (#202310056) Pure Development/American Structurepoint for Indiana Economic Development Corporation (IEDC) for the Eastern Bypass between CR 375 N and CR 450 N roadway reconstruction. The Boone County Highway Department recommends approval of the permit with special conditions and a \$10,000 Bond.

There was discussion to table the permits until the commissioners could hold a special meeting for public input on the proposed permits.

Commissioner Beyer moved to table the construction in right of way permits (#202310053, #202310054, #202310055, and #202310056) for Pure Development/American Structurepoint for IEDC. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

Commissioner Wolfe moved to schedule a special meeting for Tuesday, June 13th at 7pm in the Connie Lamar Room at the Boone County Annex Building. (*The location was later changed to the Boone County Fairgrounds at the Witham Pavilion due to the anticipated number of people attending.*) Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

2) Construction in right of way permit (#202310058) for Frontier North Inc at 7595 N Sugar Creek Ave for an emergency repair of damaged cable. They have already completed the work. The Boone County Highway Department recommends approval of the permit with a \$10,000 Bond. Commissioner Wolfe moved to approve the construction in right of way permit (#202310058) for Frontier North Inc. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

3) Construction in right of way permit (#202310059) for Charter Spectrum at various locations – north of Whitestown and Northern Rural Zionsville – for the installation of fiber optic. The Boone County Highway Department recommends approval of the permit with a \$60,000 Bond, subject to the approval of the conditions.

Commissioner Beyer moved to approve the construction in right of way permit (#202310059) for Charter Spectrum. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

4) Construction in right of way permit (#202310060) for Charter Spectrum at 1331 S 1100 E for the repair of fiber cable by directional bore. The Boone County Highway Department recommends approval of the permit with a \$10,000 Bond.

Commissioner Beyer moved to approve the construction in right of way permit (#202310060) for Charter Spectrum. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

5) Construction in right of way permit (#202310061) for TDS Telecom for the relocation of small structure replacement project on WO-016 - .07 miles west of CR 600 E on CR 100 S. The Boone County Highway Department recommends approval of the permit and waive the Bond.

Commissioner Wolfe moved to approve the construction in right of way permit (#202310061) for TDS Telecom. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

6) Construction in right of way permit (#202310062) for Charter Spectrum for the installation of new fiber 1071' along N CR 1000 E. The Boone County Highway Department recommends approval of the permit with a \$25,000 Bond.

Commissioner Beyer moved to approve the construction in right of way permit (#202310062) for Charter Spectrum. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

7) Construction in right of way permit (#202310063) for Charter Spectrum for the installation of a power supply box at 11022 E CR 200 N. The Boone County Highway Department recommends approval of the permit with a \$15,000 Bond.

Commissioner Wolfe moved to approve the construction in right of way permit (#202310063) for Charter Spectrum. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 8) Construction in right of way permit (#202310064) for Terracon for Geotechnical Evaluation at Bridge No 162. The Boone County Highway Department recommends approval of the permit and waive the Bond.

Commissioner Wolfe moved to approve the construction in right of way permit (#202310064) for Terracon. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 9) WSP Task Order #2 for review of the geotechnical reports associated with the Lilly road improvements. It has a not to exceed amount of \$9,978. An agreement for the reimbursement of these expenses has previously been executed with Pure Development.

Commissioner Beyer moved to approve WSP Task Order #2. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

10) Additional Information for Discussion:

- **CR 500 E South of CR 300 S:** This road has been closed since January for the replacement of Bridge 180. During the closure it was used as the only access point for the construction of a building, and it has been damaged so that only one lane is usable. We are working with the developer to get the road repaired so it can be re-opened to traffic.
- **I-465 Northwest Reconstruction Project:** Ford Road Bridge over I-465 will be replaced as part of the project. The project development team is considering additional width to accommodate a walking path that would be separated by concrete barrier wall. The Town of Zionsville has committed to financially supporting the costs of the additional width.
- **Lilly Project :**
 - CR 300 N was closed 5/30 just west of CR 150 W for waterline placement. The deliveries to the Lilly site have been using CR 150 W from CR 450 N to SR 47 during the closure. Bridge 102 just south of 500 N is being inspected every other day due to the heavy traffic use. This was done in an effort to prevent CR 450 N from SR 39 to 150 W, a gravel road, from being used as a haul route during the 2-week shut-down of CR 150 W and CR 300 N intersection. So far there has not been any damage noted in the inspection reports that have been submitted. Once CR 300 N and CR 150 W are open, the haul route will return to using CR 300 N and CR 150 W on the south end of the project. CR 150 W is expected to be closed just north of CR 300 N during the week of 6/5 to 6/9.
 - The Lilly Project Team, including the designer, Kimley-Horn, are in the process of designing turn lanes that are needed on CR 300 N at the US 52 intersection and temporary traffic signals for US 52/300 N, 300 N/150 W, & SR 39/150 W intersections. They will be submitting work in the right-of-way permits for the areas in our jurisdiction. They are coordinating with INDOT for the work that is needed on the roads in their jurisdiction. They are planning for the work to take place during this construction season.

Jim Love, resident of Boone County, commented his concerns if they (Lilly Project Team) build a “fake” turn lane in front of his house it will cause the traffic to stack in front of his house off of SR 52. Nick Parr responded that their department has also addressed these concerns with the team.

IN THE MATTER OF DOCUMENT SIGNING

- 1) An affidavit for payment to Lochmueller Group in the amount of \$5,965.41 (Invoice #312423) for the Boone County Replacement of SC015 900N.

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

- 2) An affidavit for payment to GM Development Companies LLC in the amount of \$192,614.43 (Draw Request 06) for the construction of the Boone County Justice Center Project.

Commissioner Beyer moved to approve ratifying the affidavit for payment to GM Development Companies LLC. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 3) 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 #4)** 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 10:15 AM on Monday, June 5, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.