

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE JUNE 19, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, June 19, 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

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Lawson opened the meeting at 9:13 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 June 5, 2023 Commissioners' Meeting as presented. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF MEMORANDUM FOR EXECUTIVE SESSION

Commissioner Wolfe moved to approve the Memorandum for the Commissioners' June 9, 2023 Executive Session as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

Bob Clutter, County Attorney, presented the following items:

- 1) Government Utilities Technology Service, Inc (GUTS) Amendment 6 to the contract for annual adjustments and other appraisal services. The contract will be extended another six (6) months which will start June 1, 2023, and end December 31, 2023.

Commissioner Wolfe moved to approve the GUTS Amendment 6 to the contract. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) Uniform conflict of interest disclosure statement for Kenneth Hedge who is County Council Member. He also provides consulting services for the Boone County Surveyor's Office on drainage projects through KEH Consulting LLC.

Commissioner Wolfe moved to approve the uniform conflict of interest disclosure statement for Kenneth Hedge. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) The following bonds presented by the Boone County Surveyor's Office for acceptance/release:

- Release Maintenance Bond for Westwood Landing Section 3
 - Erosion Control in the amount of \$6,367.00
- Release Maintenance Bond for Westwood Landing Section 3
 - Storm Sewer in the amount of \$38,794.00
- Release Maintenance Bond for Westwood Landing Section 2
 - Erosion Control in the amount of \$3,407.70
- Release Maintenance Bond for Westwood Landing Section 4
 - Storm & Erosion Control in the amount of \$74,980.00
- Accept Maintenance Bond for Trailside Section 1 Storm
 - Storm Drain in the amount of \$642,896.00
- Accept Performance Bond for Pavey Legal Drain
 - Pavey Legal Drain in the amount of \$1,107,663
- Accept Performance Bond for Mohler Legal Drain
 - Mohler Legal Drain in the amount of \$2,099,122.00

The Boone County Surveyor's Office recommends approval.

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

IN THE MATTER OF BID OPENING FOR PROJECT 2021-10, REPLACEMENT OF WO016

BIDDER	DATE RECIVED	TIME	BASE BID	TOTAL BID
Morphey Construction, Inc	6/19/2023	8:13 AM	\$ 546,000.00	\$ 546,000.00
Conexco, Inc.	6/19/2023	8:30 AM	\$ 467,885.00	\$ 467,885.00
Milestone Contractors, LP	6/16/2023	1:45 PM	\$ 419,085.00	\$ 419,085.00

Commissioner Beyer moved to take the bids under advisement for review of the Boone County Highway Department. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF RESOLUTION 2023-05 DISPOSAL OF SURPLUS PROPERTY

Bob Clutter, County Attorney, presented Resolution 2023-05 disposal of surplus property for the Boone County Health Department and read it aloud in pertinent part pursuant to state law.

MAKE	MODEL	SERIAL #	DESCRIPTION & UNIT #
Fireguard by Schwab Safe/Vault	2557CN	A730096	Dimensions of approximately 30" X 30" X 66"
Fireguard by Schwab Safe/Vault	NA	AA205668	Dimensions of approximately 30" X 30" X 66"
Schwab Safe/Vault	632529	716057	Dimensions of approximately 32" X 32" X 70"

Commissioner Wolfe moved to approve Resolution 2023-05 disposal of surplus property for the Boone County Health Department. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF RESOLUTION 2023-06 OPTING INTO THE ENHANCED FUNDING PROGRAM FOR LOCAL HEALTH DEPARTMENTS

Bob Clutter, County Attorney, presented Resolution 2023-06 opting into the enhanced funding program for local health departments and read it aloud in pertinent parts pursuant to state law. The Indiana Legislature has passed Senate Enrolled Act 4-2023 and House Enrolled Act 1001-2023, to ensure every Hoosier has access to the core public health services that allow them to achieve their optimal health and well-being. Lisa Younts, Health Department Administrator, gave a brief overview of the two-year program. See **Appendix #2** for more information.

Opting In

2024: Minimum amount: \$690,417.00
County match: \$991,541.00

Maximum amount: \$920,556.00

2025: Minimum amount: \$1,380,834.00
County match: \$345,208.50

Maximum amount: \$1,841,112.00
\$460,278.00

Opting out:

Legacy amount funding from Local Health Maintenance fund/Trust account remains: \$80,565.34

Commissioner Wolfe moved to approve Resolution 2023-06 opting into the enhanced funding program for local health departments. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF 2023 BOONE COUNTY MULTI-HAZARD MITIGATION PLAN

Rachel Hanson, Emergency Management Agency (EMA) Administrative Assistant, presented the 2023 Boone County multi-hazard mitigation plan.

IN THE MATTER OF RESOLUTION 2023-07 ADOPTING THE 2023 BOONE COUNTY MULTI-HAZARD MITIGATION PLAN

Bob Clutter, County Attorney, presented Resolution 2023-07 adopting the 2023 Boone County multi-hazard mitigation plan and read it aloud in pertinent parts pursuant to state law.

Commissioner Beyer moved to approve 2023-07 adopting the 2023 Boone County multi-hazard mitigation plan. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

1. TIMECLOCK PLUS UPDATES

No updates were provided on Timeclock Plus (TCP) during today's meeting.

2. BOONE COUNTY JUSTICE CENTER UPDATES

Max Mendenhall, Director of Capital Investments, presented the following Justice Center Updates:

- **Safety**
 - 70 Days without a recordable incident.
 - Still working through Fire Standpipes for Fire Control.
 - A temporary road to the fire tower needs to be utilized at this point.
 - Lot of heavy equipment active, pay attention to site.
- **General**
 - Continue 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 Building E site. Site has passed all testing for compaction.
- **Utilities**
 - Gas line is utility, Miller Pipeline continues to install new gas line. 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 locating area for new line and location for transformers.

3. UMR 2023 HEALTH BENEFIT SUMMARY PLAN DESCRIPTION AND PLAN LETTER

Bob Clutter, County Attorney, presented the UMR 2023 Health Benefit Summary Plan Description (SPD) and Plan Letter.

SUMMARY OF MODIFICATIONS:

Effective January 1, 2023, the following provision(s) were updated in, added to, or deleted from your Health Plan document. The change(s) are shaded in the plan document, with the exception of deleted wording:

- Prescription Schedule of Benefits.

Commissioner Wolfe moved to approve the UMR 2023 Health Benefit Summary Plan Description (SPD) and Plan Letter. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

4. CONSTRUCTION IN RIGHT-OF-WAY PERMIT #202310053 AND 202310054 – PURE DEVELOPMENT / AMERICAN STRUCTUREPOINT FOR IEDC

- #202310053 at location CR 150 W (Witt Road) from SR 47 to CR 450 N for roadway reconstruction (1.5 miles) and bridge replacement (#102). The Boone County Highway Department recommends approval of the permit subject to the conditions and a \$15,000 Bond.
- #202310054 at location CR 375 N from SR 30 to 400' east of CR 150 W (Witt Road) for roadway reconstruction (.46 miles) and small structure replacement (CE032). The Boone County Highway Department recommends approval of the permit subject to the conditions and a \$10,000 Bond.

Nick Parr, Director of Highways, provided an overview of the proposed construction in right-of-way permits that were presented at previous meetings. He also expressed some of his concerns if the commissioners do not move forward with approving the permits such as safety, maintaining the roadways, and cost. There have been many discussions regarding the cost of the project and who will be responsible for the roadway improvement on these roads – county or state taxpayer dollars. The IEDC has allotted approximately \$15 million dollars and is willing to be responsible for the roadway improvements near the site. The Boone County Highway Department receives approximately \$5 million-\$6 million dollars for the road program each year, which covers resurfacing, pavement preservation, sidewalk improvements, and gravel road maintenance for the 750 miles of roadway. The Eli Lilly Project has started and continues to be ongoing. There is already damage happening to these roadways from the construction trucks traveling back and forth from the construction site. Not approving the permits, leaves the Boone County Highway Department responsible for the roadway improvements and the cost associated with it, which takes away from the other roads they are responsible for throughout Boone County. Michael Watts from Pure Development made some comments. Pure Development was hired by the IEDC as the overall master developer for the Eli Lilly development. There has been a lot of feedback received over the past several weeks. There was an open house with Eli Lilly for two (2) days, approximately eight (8) hours each day for the public to come in and ask questions and give feedback. Representatives, including himself, were present during the Commissioners Special Meeting held on June 13, 2023. Delaying improvements for CR 150 (Witt Road) and CR 375 N with delay safety improvements identified and recommended by licensed road and traffic engineers. This will also cause a delay in the installation of the temporary traffic signals. They have heard the focus should be the bypass road and they are working on that with their contractors. The flow of traffic for construction is expected to ramp up in CY 2024. Delaying the approval of the permits will cause a delay in the construction of the roadway improvements during the construction season. This could result in the construction work occurring during the time traffic flow is supposed to increase, therefore creating additional safety issues, deterioration of roads, and impacts to local property owners. Pure Development and their contractors cannot go out and maintain or improve these roads without a permit, so the responsibility will fall on the county highway department. The legal drain included in one of the two permits in discussion has already been approved. To be able to move forward with the legal drain improvement, the construction in right-of-way permit is required as roadway improvements are also needed and impacted by the legal drain improvement. The conditions that have been included with the permits are stricter than what they typically see for permitting, but Pure/IEDC has agreed to them. Commissioner Wolfe asked if the commissioners do not approve the permits, will it only delay the road projects – it will not stop the construction development? Michael responded that is correct as the current roads are still passable for traffic. Commissioner Lawson commented that the two permits the commissioners have already approved for CR 450 N and the bypass are extremely important to work on first. Then he would like CR 375 N to be worked on and see the property owners taken care of that are impacted by the project. This project is disrupting their lives, and we must take care of them in any way that we can. Michael responded the Witt Road and CR 375 N still must be traveled on for the CR 450 N and bypass improvements, so you are going to have two very deteriorated roadways leading to the improvements. Commissioner Lawson asked if any Indian artifacts or burial sites have been found where the Lilly development is? Michael said he would have to defer to Lilly team regarding the due diligence at property closing. Typically, a historic investigation that looks at archaeological and Geotech prior to the purchasing of land occurs, but he cannot speak to that. Commissioner Beyer commented on the bid opening and the costs. The total was approximately \$14 million dollars for the four roads, over \$10 million of that is for Witt Road and CR 375 N. A portion of the Witt Road costs is for the legal drain. He has asked to see the bids. He feels the taxpayers are taking on a heavy burden for this project and future developments. Before the commissioners approve permits for approximately \$10 million, he thinks it's worth asking some more questions. Commissioner Beyer would recommend approving the Witt Road permit (#202310053) but only for legal drain construction if they can. He also commented on

an article that went out in the newspaper – it insinuated that there was one property owner on Witt Road holding this whole process up, which is incorrect. No one is required to sell their property. Michael said he is prepared to talk through the bids if Beyer would like to meet with him after the meeting. He also added awarding the bids is contingent to permit approval, which also impacts the construction activity. Kurt Lengacher with Eli Lilly confirmed that there was a historic survey of the area prior to closing, and nothing was discovered. Commissioner Lawson opened the floor for public comment. Jim Love, a resident, described the environment and traveling around the Lilly site. He would recommend limiting what Lilly does until they resolve some issues and take care of those living on CR 375 N. Holli Goodwin, a resident, commented on the commercial freight trucks that travel on CR 700 S for deliveries to/from FTIC. She has communicated her concerns to members of the county, FTIC, and the drivers. After talking to some of the drivers, she discovered that they do not like to turn left from SR 74 onto SR 39 due to it being a sharp turn, so they travel on CR 700 S to connect with SR 39. The commercial freight trucks are causing damage to CR 700 S. She was informed by the Indiana State Police that the county could adopt an ordinance that would update the GPS marking roadways where freight trucks are prohibited. Randy Parr, a resident, stated the politics of personal destruction is when two people of groups with opposing opinions present their case. The first explains his case very well. The second sees their case as a losing conclusion, so instead of stating facts, they begin attacking the opponent. Unfortunately, this is no longer a big city tactic. There have been several discussions on this project. It had been civil until last Tuesday night. We have all seen communities destroyed over the last few years due to riots, looting, and burning businesses – but it didn't start there. It started with destroying each other. For most of us, it has been a difference in opinion, but we respect each other. We shop at the same places, attend the local 4th of July parade, county 4H fair, school activities and community meetings. When hatred, vicious attacks and slanders start – all this changes. People quit going to these places to avoid each other. Schools start to deteriorate. Kids begin to act out. Business will close. Our community will begin to look like the east side of Indianapolis. Lilly will change our landscape and traffic flow of Boone County, but it cannot change each of us. It's our attitudes that will make the difference. Do we want to be hateful or respect our neighborhood and neighbors? If you want it to be the friendly neighborhood that it has always been, we need to treat each other respectfully, and correct those who don't. It is up to us to speak out. To those who thought they could stop this project and complain about the roads, we have learned today that it is not possible. To the commissioners, he suggested that they are not going to make everyone happy, it's not possible. He believes they have all the information needed to make a decision, and to make the right decision for Boone County. More delays are not going to help that. There are a lot more roads within the county that need work done. Kim Love, a resident, stated that she wanted to make it known that no one here has anything against the Boone County Highway Department. We do not expect those men to have to deal with this crap that is going on, but the residents do expect the roads to be maintained, whether that is the IEDC or state is paying for it. We understand that the Lilly development is what it is and can't be stopped. What we want is for the residents that have to live amongst that mess – and it is a mess – to be taken care of. People who originally thought that they could live with Lilly being their neighbors have since changed their mind and said this is horrid. Those individuals have decided to leave. There are some individuals that are still there that would like to be bought out, but the IEDC will no longer work with them or consider talking with them. That's not fair. They didn't ask for this. The commissioners hold the key to helping those people. These people are not asking to become millionaires. They just want a fair buyout. Ask IEDC/Lilly to give them a fair buyout, and then the county can give them the permits that are requested. Cindy Holmes, a resident, asked if they are working on all four interchanges, what does local traffic do that has to get around the area coming in from the north? Commissioner Lawson said that is a very good question. All the construction will divert traffic someway, somehow. Michael Watts added that while construction is happening on CR 375 and Witt Road, those roads will only be available to the residents that live on them. The interchanges will still be accessible while temporary lights are installed. Commissioner Lawson asked if there were any other comments. No members of the public came forward; public

comment was closed. Commissioner Lawson asked if the overpass permit approved last week, was that to attach the two county roads and if Lebanon has issued any road construction permits? Nick Parr responded that the bypass road is not on annexed property, so it will still be a county road. Kevin Krulik, City Engineer, confirmed that the City has not issued any road permits as most of the roads are within the County's jurisdiction. Commissioner Wolfe asked Kevin when did the city start the road impact fee? Kevin responded that the fee became effective approximately around June of last year. Commissioner Wolfe asked Kevin to describe what the fee is used for. Kevin responded that the road impact fee was established by the state legislature that allows us to collect fees for impacts on traffic capacity, such as intersection improvements or widening streets. Commissioner Wolfe pointed out that IEDC/Lilly has identified the impacts and has agreed to pay for major improvements surrounding this project without the county adopting the road impact fee. The IEDC/Lilly has met the requirements per the County's ordinance for the permit request. Commissioner Wolfe would recommend moving forward with approving the permits. Commissioner Beyer does not feel like all the necessary information has been received to meet the requirements of the ordinance as we do not have a full set of plans. Commissioner Lawson commented on his concerns about the cost of the roadway improvements for Witt Road. Michael Watts explained that \$2 million of that was for the legal drain, \$2 million for expanding the road, and \$2 million for maintaining the road during construction. Commissioner Wolfe asked Michael if they had obtained all the rights-of-way on CR 375 N. Michael responded that there is one permanent right-of-way that is currently still under negotiations for .1 acre. The need for that is for that right-of-way is to make a correction for drainage. Michael also reminded the commissioners of the conditions tied to the permits as the county will have final approval of the plans before construction can begin. Nick Parr reminded the commissioners of the traffic impact study that has been presented at several meetings. If we cut off one access point, it will force that expected traffic down other roads. Commissioner Beyer responded that he is suggesting that we do nothing to improve Witt Road, but he questions the amount of money being spent on the improvements. Michael Watts asked if there were any suggestions on how to reduce the cost of the improvements? Commissioner Beyer said he would have to review the bids.

Commissioner Beyer moved to **table** the construction in right-of-way permit #202310053. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

Commissioner Wolfe moved to **approve** the construction in right-of-way permit #202310054. Motion seconded by Commissioner Beyer; motion passed 2-1 (Lawson Nay).

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

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

- 1) Construction in right-of-way permit (#202310065) for Adams Electric at the northwest corner of Ford Road and 96th Street to replace riser on existing utility pole. The Boone County Highway Department recommends approval of the permit with a \$5,000 Bond.

Commissioner Wolfe moved to approve the construction in right-of-way permit #202310065. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) Road closure permit (#202330011) for Terracon at Bridge 162 (CR 500 S) from June 15 – June 16, 2023. The Boone County Highway Department recommends approval of the permit.

Commissioner Beyer moved to approve the road closure permit (#202330011) for Terracon. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 3) Butler Fairman and Seufert (BF&S) Task Order #34 for plan review.

Commissioner Wolfe moved to approve BF&S Task Order #34 for plan review. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 4) After months of plan review, meetings and discussions, the developer, Promontory / Henke Development, proceeded to disregard Boone County requirements, work without a permit and not build improvements to standards. The developer has submitted plans for a development for approximately 250 homes that the highway department is currently reviewing. Requesting permission to work with the county attorney to assess fines as laid out in the 2017-13 ordinance.

Commissioner Wolfe moved to authorize Nick Parr/highway department to work with the County Attorney. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF DOCUMENT SIGNING

- 1) Affidavit for payment to GM Development in the amount of \$853,153.79 for the Boone County Justice Center Project - ratification. Commissioner Wolfe approved the payment on June 15, 2023.

Commissioner Beyer moved to approve ratifying the affidavit for payment to GM Development. Motion seconded by Commissioner Wolfe; 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.

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 11:18 AM on Monday, June 19, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.