

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE JULY 3, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, July 3, 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 9:03 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

The June 13, 2023 (Special) and June 19, 2023 (Regular) Meeting Minutes were tabled.

IN THE MATTER OF MEMORANDUM OF EXECUTIVE SESSION

Commissioner Wolfe moved to approve the Memorandum of Executive Session on June 19, 2023 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) An irrevocable letter of credit for Jackson Run North Phase 2 in the amount of \$650,000.00. The Boone County Surveyor's office has reviewed and recommends approval.

Commissioner Beyer moved to approve the irrevocable letter of credit for Jackson Run North Phase 2. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) On-call professional services agreement with InfraMap Corp. for engineering, surveying, right-of-way and construction observation.

Commissioner Wolfe moved to approve the InfraMap Corp. on-call professional services agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF INDOT 5339 MOTOR VEHICLE PURCHASE AGREEMENT FOR BCSSI

Bob Clutter, County Attorney, presented the Quantity Purchase Agreement (QPA) 44253 / Indiana Department of Transportation (INDOT) 5339 motor vehicles purchase agreement for a small transit vehicle – 8 ambulatory and 2 wheelchairs – on behalf of the Boone County Senior Services (BCSSI). The total amount for the small transit is \$144,454.00.

Commissioner Beyer moved to approve the QPA 44253 / INDOT 5339 motor vehicles purchase agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF GPS CONTRACT FOR COMMUNITY CORRECTIONS

Bob Clutter, County Attorney, presented the Verizon global positioning system (GPS) contract for two new units to be installed in the community corrections vehicles. The total fee is \$34.90/per month.

Commissioner Wolfe moved to approve the Verizon GPS contract for units on two community corrections vehicles. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF MILESTONE CONTRACTORS WO-016 AGREEMENT

Nick Parr, Highways Director, presented the Milestone Contractors agreement for project 2021-10, to replace WO-016 carrying CR 100 S over D Neese Ditch, east of CR 600 E. The amount of the agreement is not to exceed \$419, 085.00 with a substantial completion on or before August 2, 2024, and a final completion on or before September 6, 2024. This is a Community Crossings Match Grant (CCMG) project, and those funds will help offset the cost of construction.

Commissioner Beyer moved to approve the Milestone Contractors agreement for project 2021-10, to replace WO-016. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF BURGESS & NIPLE MASTER SERVICES AGREEMENT

Nick Parr, Highways Director, presented the Burgess & Niple master services agreement along with Task Orders #1 and Task Order #2.

- Master Services agreement is for plan reviews and construction inspection for projects.
- Task Order #1 is for inspection of the Legal Drains with the Eli Lilly project site on behalf of the Boone County Surveyor's Office with a not-to-exceed amount of \$81,314.
- Task Order #2 is for plan review of proposed improvements recommended by Pure Development with a not-to-exceed amount of \$26,000.

The cost of the task orders will be reimbursed by the developer.

Commissioner Wolfe moved to approve the Burgess & Niple master services agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

Commissioner Beyer moved to approve the Burgess & Niple Task Order #1. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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

IN THE MATTER OF OLD BUSINESS

TIMECLOCK PLUS UPDATES

Michael Nielsen, Project Manager, presented the following updates for TimeClock Plus (TCP):

- Continuing to work with GUTS and the Auditor's Office for the completion of Phase 2 implementing TCP to CYMA integration.
- Working on the processes and procedures for the TCP and CYMA integration.
- Met with Baker Tilley this past week on the needs assessment about the existing financial software for the county.

BOONE COUNTY JUSTICE CENTER UPDATES

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

- **Safety**
 - 80 Days without a recordable incident
 - Still working through Fire Standpipes for Fire Control.
 - Day-to-day subcontractor meetings and safety meetings occurring daily.
 - A temporary road to the fire tower needs to be utilized at this point. I have contacted all fire chiefs in the county.
 - Lot of heavy equipment active, pay attention on site.
- **Issues**
 - Found two existing drainage lines, one 6 inch and one 8 inch line that no one knew existed. One from County Highway and one from probably the old Maple View.
 - Soft Soil was found at the south parking lot and will be remediated.
 - The existing storm drain the county knew was bad is being replaced. We are working with the Surveyors' Office and currently looking at the cost for this replacement.
- **Issues**
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 - Working on phasing of kitchen areas to keep kitchen operational during entire project.
 - Working with eh Sheriff's Office on moving inmate property to be completed by October 1st.
 - Storm structure installation around the site.

- Will focus these next two weeks on:
 - Unit A wall placements
 - Unit E prep foundations
 - Unit A Masonry
- **Utilities**
 - Gas line is utility, Miller Pipeline continues to install new gas line. CenterPoint on the meter and new connection. Max needs a three-day lead for new Gas line switch.
 - 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. Had to work through a small issue but was resolved quickly with Lebanon Utilities.
- **Permitting**
 - All state and county permits have been obtained at this point.
- **Civil**
 - Seed has been completed on the swale area behind site.
 - A new pond is being dug behind range. Both lines from pond into the new storm structure is complete.

ROW PERMIT #202310053 PURE DEVELOPMENT WITT ROAD

Nick Parr, Highways Director, presented the right-of-way (ROW) construction permit (#202310053) for Pure Development/Indiana Economic Development Corporation (IEDC) at CR 150 W (Witt Road) from SR 47 to CR 450 N. This permit has been discussed during previous meetings. Nick provided an overview of the timeline and scope of the project. Sheriff Tony Harris commented on public safety and the impact of increased traffic for this project will have on the area. Michael Watts, Pure Development, announced he was present today to answer any additional questions. He also wanted to bring up the information that was sent in regards to the legal drain – the design and construction of it. There becomes an issue if just the legal drain is approved for the right-of-way permit. The way it was designed and worked through with the Boone County Surveyor's Office was as if the road was being reconstructed at the same time. There was a request to keep the pipe as high as possible leading towards the creek, keeping it above normal elevation to prevent water backing up into the pipe. The pipe will be above ground if the road is not reconstructed at the same time. Pure Development would need to work with the Boone County Surveyor's Office on a redesign of the legal drain. Commissioner Lawson asked what the timeline is for the installation of the legal drain. Michael Watts responded that the legal is a priority - #1 item - for their construction team. Preconference is scheduled for July 10th. If they must go through redesign, it will delay the process. Scott Alexander, Indiana Economic Development Corporation (IEDC), commented during the last hearings on this subject matter it has been noted by the County that all the legal requirements would be met by the proposed work on Witt Road. They have communicated with the County Attorney, Commissioner Beyer, and Nick Parr on the language to add additional requirements due to the concerns expressed by the County. Those requirements were incorporated with the other permits associated with this project. They are not aware of any legal requirement that would have been violated and believe this is not a discretionary decision by the County, with respect to the fact that it is mandatory. They believe the permit should be issued for the roadwork as they have met the requirements. Scott Alexander respectfully requested the commissioners to identify what applicable legal reason they would be using to support further continuance or denial of the project. If only part of the project is approved, such as the legal drain, they would not be able to work on the maintenance of the road. They would not be able to commit to those types of aspects as well, which would further endanger public safety. The IEDC stands ready with quite a bit of money to engage in this project as soon as they can. They do recognize, as the other experts have noted, the importance of public safety. Kurt

Lengacher, Eli Lilly, commented that Eli Lilly and the IEDC knew that this project was going to be a challenge. They believe the vision brought forward met the needs in the best way possible to provide access and road improvements, however, it's not the only option. They will need assistance from the city, county and state to identify an alternative solution to provide adequate access to the site. Kurt Lengacher reiterated that the legal drain is a priority. Approval of the drain helps the project move forward. Commissioner Beyer spoke with a state legislator that is on the budget committee as they were considering allocation additional monies to the IEDC. He has been working on gathering data to share with state legislators and at a public meeting – some highlights:

- Eli Lilly has paid approximately \$60million dollars for the property they now own.
- IEDC paid \$49million dollars for the same property, plus commissions, presumably \$50million+.
- Overall, within LEAP, the IEDC has spent \$136million on properties.
- The offsite infrastructure cost to serve Eli Lilly is approximately \$35-45million for design, construction and inspection – possibly more.
- Properties with homes on them, the IEDC has paid anywhere from 141% to 649% of the assessed value of the property with an average of 272% of the assessed value.
- IEDC has paid anywhere from \$50,000 - \$75,000 per acre for farm ground.
- If Eli Lilly or any private developer was driving this process, they would be responsible on their own for the property purchases and infrastructure improvements. The developer, such as Eli Lilly, would then enter some sort of arrangement where they could be reimbursed for a portion of the offsite road and utility improvements as future development occurs and uses the infrastructure paid by them upfront. Development fees would be charged to future developers and no taxpayer dollars would be involved in this process. Eli Lilly would have taken this into account when determining what could be reasonably paid for the property purchases with their money in mind. The process set up by the State and the IEDC does not have anyone protecting the taxpayer's interest. The taxpayer's money is being used to pay for this project upfront, to the tune of approximately \$50million dollars so far. It is unknown if or how they will be reimbursed for the expenses being poured into this project. This does not include any tax incentives received by Eli Lilly.
- The approximate cost for the CR 150 W (Witt Road) improvements is \$6.4million dollars. About \$1.1million involves legal drain construction, which is Eli Lilly's drainage outlet from their site. He is uncertain why the taxpayers are paying for that but serves as another example why the state should not be in the development business. Improvements at the intersection of SR 47 and N. Witt Road is somewhere in the range of \$600,000. This leaves somewhere around \$4.7million dollars for construction of N. Witt Road. As it has been discussed in prior meetings, after the construction of the project is complete, the traffic on N. Witt Road is expected to be less than what it was prior to construction. Meaning that the improvements currently proposed will only serve as construction access for Eli Lilly. He is not interested in continuing to put these types of costs on the backs of taxpayers. Some sort of road improvements are necessary for the increased vehicle traffic and will need to be submitted by the IEDC and permitted at a future date. That will likely include some coordination and keeping traffic with heavy loads on other accesses to the site, if possible, and not on Witt Road.

- *Commissioner Beyer stated the process has not been transparent, so these are just estimates.*

Commissioner Beyer proposes work associated with the legal drain be approved with some modifications of the design for roadway reconstruction. Commissioner Wolfe believes the developer has met the requirements of the ordinance. He is prepared to approve the permit. Not approving the permit does create a challenge for public safety and puts an undue burden on residents of SR 39, SR 47, CR 450 and CR 300. To him, this is a piece of a bigger plan. He understands Commissioner Beyer's concerns regarding the spending of the money and has echoed those concerns from the beginning. Commissioner Lawson commented on Saturday for approximately 3-4 hours he met with members from Eli Lilly to discuss the project and find out

more details. It was time well spent and ideas were shared. He would like to meet with Eli Lilly every week to get updates and see how we can get through this project together. As Kurt mentioned earlier, there could be alternative solutions and he would like to investigate that. Commissioner Lawson believes CR 450, CR 375, CR 300 – especially getting stop lights at the intersection of SR 52 and CR 300 installed – should be priority. Getting the drain installed is another priority, but what can we do to make that work?

Commissioner Beyer also spoke to Susan with Eli Lilly and would echo a lot of what Commissioner Lawson said. Commissioner Wolfe has a concern about replacing the bridge at a later date. When the bridge is replaced, it is going to be longer, and he thinks that could affect the outlet of the Eli Lilly site if it is not redesigned. We need to discuss with Pure Development and Eli Lilly where that outlet would be and how it can be located so that it is not affected by a future bridge project. Commissioner Lawson asked if the design of the drain was for the existing bridge or the new bridge design. Michael Watts responded that the legal drain was based upon the design of the reconstruction of the roadway and bridge. If the decision is not to approve the bridge work, they will need to work with the Surveyor's office on a redesign of the plans. Also, if the decision is to split these projects up, it will prolong the time of construction on Witt Road. Splitting the project up in pieces will also drive up the costs.

Commissioner Beyer moved to approve permit # 202310053 for the legal drain only, with the understanding that some modification needs to be looked at in the event the roadway doesn't get built based on the current plans. Motion seconded by Commissioner Wolfe, adding he believes the permit should be approved as a whole; motion passed unanimously 3-0.

Commissioner Wolfe moved to approve permit #202310053 for the roadway reconstruction. No one seconded the motion; motion died. Commissioner Beyer commented that there is an intent to issue a permit for Witt Road, but it makes sense to take a seconded look at a lot of the issues that have been identified recently.

Commissioner Beyer moved to table permit #202310053 for the roadway reconstruction until the next meeting, July 17th. Commissioner Wolfe seconded the motion; motion passed 3-0.

Nick Parr asked for clarification on if Pure Development/IEDC should resubmit a new permit for just the legal drain and a separate one for the roadway reconstruction. The commissioners replied yes. Michael Watts also requested clarification that the additional requirements will not be associated with the legal drain portion as they only apply to roadway reconstruction. Commissioner Wolfe moved the revision of permit #202310053 to only reflect the legal drain and authorized Commissioners Lawson to approve after the changes have been made. Commissioner Beyer seconded the motion; motion passed 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

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

- 1) Construction in right-of-way permit #202310066 for TDS Telecom at Devonsire to provide new fiber service. The Boone County Highway Department recommends approval with a \$10,000 Bond. Commissioner Beyer moved to approve the construction in right-of-way permit #202310066 for TDS Telecom. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 2) Construction in right-of-way permit #202310067 for Boone REMC at 5550 E 150 S, Lebanon, IN for the installation of new meter cabinet via directional bore. The Boone County Highway Department recommends approval with a \$5,000 Bond. Commissioner Wolfe moved to approve the construction in right-of-way permit #202310067 for Boone REMC. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 3) Construction in right-of-way permit #202310068 for Rigdon Construction at CR 500 W 1,500 feet south of SR 47 for the installation of 12" RCP for new storm sewer. The Boone County Highway Department recommends approval with a \$20,000 Bond.
- 4) Road closure permit #202330012 for Poindexter at CR 375 N just east of CR 150 W for the legal drain reconstruction for the Eli Lilly project. The date(s) of the proposed closure is 07/19/2023 – 08/03/2023. The Boone County Highway Department is coordinating with the contractors and city of Lebanon. The department recommends approval. Commissioner Wolfe moved to approve the road closure permit #202330012 for Poindexter. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 5) Road closure permit #202330013 for Rigdon Construction at CR 500 W approximately 1,500' south of SR 47. The date(s) of the proposed closure is 07/17/2023 – 07/19/2023. The Boone County Highway Department recommends approval. Commissioner Beyer moved to approve the road closure permit #202330013 for Rigdon Construction. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 6) Other highway items for information:
 - Eli Lilly haul route conditions. Road conditions continue to deteriorate. Residents frequently contact the highway department if a truck travels down CR 150 (Witt Road), north of the project team. The highway department quickly makes contact the project team for information.
 - Future right-of-way permit for CR 300 N just east of US 52. Do we want to plan to have additional meetings to discuss it? What do the commissioners want to see prior presenting the permit? Commissioner Wolfe responded that the commissioners would like to meet directly with the INDOT team and instructed Nick to coordinate the meeting. Nick Parr informed the commissioners that there is a teams meeting scheduled for 1:30pm today with the traffic engineers.

IN THE MATTER OF DOCUMENT SIGNING

- 1) Affidavit for payment to Lochmueller Group for invoice #1212031 in the amount of \$9,652.09 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) Boone Area Transit System (BATS) / Boone County Senior Services Inc (BCSSI) claim for invoice #0000000803 in the amount of \$53,734.00 for the purchase of low floor mini-vans.

Boone Area Transit System (BATS) / Boone County Senior Services Inc (BCSSI) claim for invoice #0000000812 in the amount of \$53,734.00 for the purchase of low floor mini-vans.

The claims were previously signed by Commissioner Lawson on June 26, 2026 and being presented today for ratification.

Commissioner Wolfe moved to approve ratifying the two BATS/BCSSI claims for low floor mini-vans. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) Claims Dockets – regular, prepaids, payroll, and insurance.

Commissioner Beyer moved to approve Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF MAIL

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

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 10:03 AM on Monday, July 3, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.