

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE JULY 17, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, July 17, 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 9:07 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 June 13, 2023 (Special) and the June 19, 2023 (Regular) Commissioners' Meetings as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

County Attorney Bob Clutter presented the following items:

- 1) A performance bond for Cardinal Pointe Section 4 for storm sewer and subsurface drains in the amount of \$737,700.00 for acceptance. The Boone County Surveyor's Office has reviewed and recommends approval.
Commissioner Beyer moved to approve the acceptance of the performance bond for Cardinal Pointe Section 4 for storm sewer/subsurface drains. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 2) The following bonds for release:
 - a. Performance bonds for Cardinal Point Section 3 for storm drain and erosion control totaling \$946,535.80.
 - b. Performance bonds for Bidle Oaks Section 2 for storm drain and erosion control totaling \$342,304.33.
 - c. Performance bonds for Golf Club of Indiana/Cardinal Pointe Section 2 for storm drain and erosion control totaling \$948,640.50.

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

- 3) Indiana Department of Transportation (INDOT) local roads and bridges matching grant agreement amendment #1 for Des No. 2300316 for small structure replacement. The amendment is for a location change to reflect the proper location of work to be performed:

Route Name	From	To
CR 100 S	300' West of CR 600 E	800' West of CR 600 E

Commissioner Wolfe moved to approve the INDOT local roads and bridges matching grant agreement amendment #1 for Des No. 2300316. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF RATIFYING THE VERIDUS GROUP RECOMMENDATION LETTER 028 FOR WAYFINDING SIGNAGE

County Attorney Bob Clutter presented the Veridus Group Recommendation Letter 028 to proceed with approval of costs per the FASTSIGNS Estimate (EST-38815) received June 22, 2023, for additional wayfinding signage to the temporary Sheriff's Offices as well as program clients to waiting shelter at the Jail entrance. The total amount of the estimate is \$1,455.96. Commissioner Wolfe approved recommendation letter 028 on July 5, 2023.

Commissioner Beyer moved to approve ratifying the Veridus Group Recommendation Letter 028 for additional wayfinding signage. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF ORDINANCE 2023-06 AMENDING THE TRAFFIC CODE FOR A SCHOOL ZONE

Jeff Spidel, Highway Department Team Lead / Traffic Foreman, presented Ordinance 2023-06 amending the traffic code of the County of Boone, State of Indiana. The amendment is to establish a School Zone with 25 mph speed limit for CR 700 E and CR 550 S, at the location of the Zionsville West Middle School. This ordinance will provide clearer limits of the school zone that currently exists. County Attorney Bob Clutter read it aloud in pertinent parts pursuant to state law.

Commissioner Beyer moved to approve Ordinance 2023-06 amending the traffic code of the County of Boone, State of Indiana. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF K2M DESIGN PROPOSAL FOR NEEDS ASSESSMENT SERVICES

Commissioner Wolfe moved to table the K2M design proposal for needs assessment services. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF IMPACT PRINTER MAINTENANCE CONTRACT RENEWAL

County Attorney Bob Clutter presented the Impact printer maintenance contract renewal. Government Utilities Technology Services, Inc. (GUTS) is happy with Toshiba's service and would recommend continuing the contract.

As part of the contract, GUTS has been able to remove several devices as they have been working on migrating the end users away from printing to the more expensive Laser and Inkjet printers and printing as much as possible on the Toshiba copiers. Due to those changes, we were able to drop almost half of the printers from the previous contract.

GUTS is estimating savings of approximately \$1,200 per month on the new contract with the changes.

Commissioner Wolfe moved to approve the Impact printer maintenance contract renewal. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF HASCO PROPOSAL CONTRACT #8077 MILLING & PAVING HIGHWAY

Max Mendenhall, Director of Capital Investments, presented the HASCO proposal contract #8077 for milling and paving to repair at the Boone County Highway Department parking lot. The total amount is \$11,450.

Commissioner Beyer moved to approve the HASCO proposal contract #8077 milling and paving at the highway department parking lot. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF HASCO PROPOSAL CONTRACT #8078 MILLING & PAVING KEY BANK

Max Mendenhall, Director of Capital Investments, presented the HASCO proposal contract #8078 for milling and paving to repair at the KeyBank parking lot owned by the County. The total amount is \$29,918.

Commissioner Beyer moved to approve the HASCO proposal contract #8078 milling and paving at the KeyBank parking lot. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF HASCO PROPOSAL CONTRACT #8079 CRACK FILL & SEAL COAT ANNEX

Max Mendenhall, Director of Capital Investments, presented the HASCO proposal contract #8079 for crack filling and sealcoating the Annex parking lot owned by the County. The total amount is \$7,662.

Commissioner Beyer moved to approve the HASCO proposal contract #8079 for crack filling and sealcoating the Annex parking lot. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF CR 150 W / WITT ROAD PERMIT

Nick Parr, Highways Director, wanted to make a clarification on the construction in right-of-way permit numbers. The commissioners previously approved at their last meeting only the legal drain portion of a permit that also included roadway reconstruction. This caused some issues with the system the highway department uses to track permits, bonds, and fees. The Boone County Highway Department recommends assigning construction in right-of-way permit # 202310072 for Pure Development/American Structurepoint for the legal drain installation project on north CR 150 W (Witt Road) which was also approved during the Drainage Board Meeting.

Commissioner Wolfe moved to approve assigning permit # 202310072 for the legal drain installation, no other changes were made to the previous approval for Pure Development/American Structurepoint on north CR 150 W. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

Nick Parr also presented the construction in right-of-way permit #202310053 for Pure Development/American Structurepoint at CR 150 W (Witt Road) from SR 47 to CR 450 N for the roadway reconstruction and Bridge 102 replacement project. This permit has been discussed during previous Commissioners' meetings the last few months. County Attorney Bob Clutter presented a Memorandum of Understanding (MOU) between the County and the Indiana Economic Development Corporation (IEDC) memorializing that the IEDC has made certain specified commitments, at the IEDC's expense, certain roadway improvements and construction work. Commissioner Beyer has had discussions with state law makers and Milestone Contractors since the last meeting. The contractor would like to proceed with ordering materials for the bridge and get the projection going. He has reviewed the bridge and roadway plans, although he does not like spending taxpayer money on and Eli Lilly construction entrance, he believes it may be the best plan. Additionally, his biggest concerns are that there are issues with the school bus traveling the road and a number of property owners that have not agreed to right-of-way purchases. His recommendation is that the commissioners meet with the IEDC and property owners to get the outstanding issues resolved before they can formally approve the permit. Commissioner Wolfe reiterated that he believes they have met the requirements of the ordinance. Commissioner Lawson echoed Commissioner Beyer's concerns and believes they should meet with the IDEC, Eli Lilly and property owners. Michael Watts, with Pure Development, provided a memo with additional information as part of the legal drain installation, there is a need to get the bridge structure installed and reconstruct a portion of the road. The current bridge structure does show overtopping issues and floods. They are bringing additional flow to that area. As they begin shutting down the roads in the surrounding area, there is a possibility of an overtopping event occurring while those roads are shut down, and limits access even further for surrounding property owners. If we continue to delay the approval of the bridge project, it will continue to delay the safety improvements of the road. Today was the first time he had heard of the right-of-way issue at the bridge structure. Todd, engineer, commented

that they were informed by the mortgage company that additional signatures were needed on agreements, but it was his understanding that they have returned the forms. The work will not start until all the paperwork is finalized. Early in the discussions of the project they were made aware of the school bus turnaround on Witt Road and CR 500. They have widened the entrance of CR 500 on to Witt Road to make sure the bus can turn around without pulling out before oncoming traffic. Commissioner Lawson stated that the bus stops on Witt Road and backs on to CR 500 then pulls back onto Witt Road. Commissioner Wolfe would like to look at the plans again and discuss alternative solutions. Michael Watts requested if the rest of the roadway reconstruction is not approved today to at least approve the reconstruction of the bridge knowing the issues of the structure and timing of ordering/delivering materials. As the county attorney mentioned, there was a MOU drafted that commits them to additional commitments in regard to turning lanes, purchase of properties, etc. Scott Alexander proposed having an approval subject to the condition that the IEDC, Eli Lilly, Commissioners, and affected property owners use our best efforts to resolve the issues. With the approval they can make the financial commitment and release the funds to begin the process. They are hopeful to get a conditional approval related to that. Commissioner Wolfe commented that he believes they can meet the conditions Scott is proposing. His concern is that if they do not allow them to start the process now, they will not be able to order the materials in time to start and complete the improvements before we start seeing an increase in traffic. That becomes a public safety concern. We are running out of time during the construction season. Commissioner Lawson commented that he would like to continue working on the MOU. Scott Alexander would propose having a conditional approval on the permit with the understanding of their best efforts to have the meetings related to the concerns with the folks identified and enter an MOU.

Commissioner Beyer made a motion of a conditional approval of the construction in right-of-way permit #202310053 for Pure Development/American Structurepoint with **Condition 1)** The IEDC uses their best efforts to engage in dialog with the County Commissioners, representatives from Eli Lilly, and residents to identify and address any concerns they have with north CR 150 W (Witt Road). **Condition 2)** The IEDC will use their best efforts to engage in continuing discussions related to a proposed MOU with the County related to a variety of issues with the LEAP Development – traffic, busing, property acquisition, and other issues identified. Commissioner Wolfe seconded the motion. Michael Watts pointed out that County plan review and approval is part of the additional conditions for the permits. Is it possible to approve the plan in phases at a later date if the right-of-way permit is approved today? County Attorney Bob Clutter confirmed they could approve the permit, but only authorize the bridge and approaches while the other identified issues are worked through. Commissioner Wolfe asked as they build the bridge, if they do not have the approval to move forward to the north with the road, how does that affect the future tie-in with road on the bridge? Todd, engineer, responded that the way they currently have it set is the 1,300' being reconstructed ties in with the existing elevations at those locations. They would have to make width adjustments to taper from what is going to the wider road section into the existing roadway section, but that is usually with a 300' taper distance. Commissioner Wolfe asked if they do not get the permit for the northern section, how would that affect that road coming into the bridge project? Todd responded that you would come from a wider road to a narrow road, or vice versa depending on how you are looking at it, but the elevation would work out fine. Commissioner Wolfe asked if would create a safety issue narrowing the road? Todd responded that signage indicating the road is narrowing. Commissioner Wolfe stated his concern is creating a safety issue having 12' travel lane south and across the bridge and then narrowing it to a 11' section there forward. Michael Watts is hopeful they will be able to work through these issues and get the rest of the roadway reconstruction approved. A meeting was scheduled for July 31, 2023 beginning at 6pm with all

of the stakeholders. The plans for the bridge reconstruction and 1,300' of the roadway approaches are approved. Motion passed 2-1 (Lawson).

IN THE MATTER OF OLD BUSINESS

BOONE COUNTY JUSTICE CENTER UPDATES

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

- There seems to be some confusion as to when the buildings will be able to be turned over or occupied. With the delay of over a year in the approval of the project it pushed the project back that amount of time. Phasing in of the buildings will take place both partially and fully. We must phase certain parts of building B in (Kitchen and Infirmary) to not disrupt the Sheriff's Office operations. The building completion will be turned over in phases between February of 2025 and November of 2025, this is our current schedule.
- **Safety**
 - 87 Days without a recordable incident
 - A lot of overhead work is going on right now. Be aware.
 - Stress the importance of Hydration is important.
- **Issues**
 - Resolved the 10-inch and 8-inch drainage tile issue with the Surveyor's Office.
 - Had to pour a larger pad for the gas meter to be installed.
- **General**
 - Testing is occurring continuously for all sub grade by Alt Witzig, Engineering. (Footers, Concrete Poor, Slab)
 - Structural Walls continue to go up in Building A and Building B.
 - Footers and foundation have begun being poured in building E. This is ahead of schedule because of the great weather that we have had.
- **Utilities**
 - New Gas line is utility continues to be installed. New Pad
 - 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.
 - Lebanon Utilities has also moved the utility pole on Indianapolis Avenue
- **Civil**
 - The new drainage pond behind range is almost complete. They are keeping an area from being dug in case they need the good dirt elsewhere on the project.
- **Logistics**
 - We should be seeing a new construction schedule sometime next week from Hagerman. This will allow us to get a better handle on phasing in of certain areas and buildings throughout the project.

TIMECLOCK PLUS UPDATES

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

- Met with Prosecutors office on 7/14/23 to answer a few questions as well as get them ready to pilot the integration as they have several ways that they are compensating people.
 - Working with GUTS and Auditors Office for completion of phase two.
 - Working on processes from TCP to CYMA integration.
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IN THE MATTER OF STAFF REPORTS

- Area Plan – 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 presented the following items:

- 1) The APC continues to work on the overlay project. They have added additional scope to look at some of the standards, after hearing from the public at two meetings, the public voiced a desire for more protection in the agriculture areas.

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

- 1) A request for the bond to be released for the construction in right-of-way permit (#202210042) for Alt & Witzig Engineering, Inc. at Grove Pass. The project is complete. The Boone County Highway Department recommends approval.

Commissioner Wolfe moved to approve the release of construction in right-of-way permit (#202210042) for Alt & Witzig Engineering, Inc. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) Construction in right-of-way permit (#202310069) for Spectrum on SR 39 at CR 300 S for underground construction. The Boone County Highway Department recommends approval with a \$10,000 Bond.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310069) for Spectrum. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 3) Construction in right-of-way permit (#202310070) for Spectrum on CR 200 S at Middle Jamestown Road for fiber installation. The Boone County Highway Department recommends approval with a \$15,000 Bond.

Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310070) for Spectrum. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 4) Construction in right-of-way permit (#202310071) for Spectrum on CR 200 S west of Middle Jamestown Road for fiber installation. The Boone County Highway Department recommends approval with a \$15,000 Bond.

Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310071) for Spectrum. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 5) Construction in right-of-way permit (#202310073) for Frontier North Inc. at 6790 W 800 N for replacement of damaged cable. The Boone County Highway Department recommends approval with a \$15,000 Bond.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310073) for Frontier North Inc. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF DOCUMENT SIGNING

- 1) 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 10:34 AM on Monday, July 17, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.