

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE SEPTEMBER 5, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Tuesday, September 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 9:05 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 minutes for the August 21, 2023 meeting were tabled for a future meeting.

IN THE MATTER OF LEGAL ISSUES

No legal issues for today's meeting.

IN THE MATTER OF MEMORANDUM OF UNDERSTANDING WITH THE CITY OF LEBANON

County Attorney Bob Clutter presented the Memorandum of Understanding (MOU) with the City of Lebanon regarding certain real estate owned by the County with various improvements. In late 2005, the City of Lebanon began the process of annexing the property – Boone County Jail, Highway Department, and 4-H Fairgrounds. The annexation of the property was adopted by the City in 2006, and a “special use” zoning designation was assigned to the property allowing the County control over the land usage, zoning and permitting of the property as long as it continues to be owned and controlled by the County. The County will be required to submit plans to the Lebanon Utilities and apply for applicable water/wastewater permits and pay any and all applicable availability fees associated with the Jail Expansion and any other work within the City. The County is required to submit for right-of-way permit from the City's Engineering Department. The County is subject to all of the requirements and fees associated with the City's Road Impact Fee Ordinance. The County shall meet all City drainage ordinance requirements as MS4 requirements with the Jail Expansion and any other work within the City. Commissioner Wolfe stated that he and the County Attorney have been working with the City of Lebanon on this MOU. He believes it is important to note that the County has met all the requirements outlined in the MOU for all properties, including the Jail Expansion.

Commissioner Beyer moved to approve the MOU with the City of Lebanon. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF BRANDEIS ROLLER QUOTE

Max Mendenhall, Capital Investments Director, presented the Brandeis Quote in the amount of \$148,189.00 for a 2021 HAMM HD+110iVV5F Roller.

Commissioner Wolfe moved to approve the Brandei Quote. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF TELEPHONE SYSTEM REQUEST FOR PROPOSAL

Sean Horan, Executive Director of Technology/GUTS, presented the request for proposal (RFP) from phone service providers for hosted voice over internet protocol (VOIP) telephone services. Proposals are due on Friday, November 3, 2023 by 3pm.

Commissioner Wolfe moved to approve the telephone system RFP. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF INSURANCE COMMITTEE APPOINTMENT

Commissioner Wolfe presented the request to appoint Councilwoman Shari Richey to the Insurance Committee.

Commissioner Wolfe moved to approve appointing Councilwoman Richey to the Insurance Committee. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF VEHICLE PURCHASE AGREEMENT FOR THE HEALTH DEPARTMENT

The vehicle purchase agreement for the health department was tabled for a future meeting.

IN THE MATTER OF UNOFFICIAL LOCAL DETOUR REIMBURSEMENT AGREEMENT

Nick Parr, Director of Highways, presented the Indiana Department of Transportation (INDOT) reimbursement agreement for the Unofficial Local Detour (ULD) for Des No. 1800141 that was established along CR 1000 W, CR 550 N, CR 1100 W and CR 650 N for the SR 47 closure. The total reimbursement amount is \$17,204.40 for the expenses that Boone County incurred for dust control during the closure.

Commissioner Beyer moved to approve the INDOT reimbursement agreement for the ULD Des No. 1800141. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF UNOFFICIAL LOCAL DETOUR REIMBURSEMENT AGREEMENT

Nick Parr, Director of Highways, presented the Indiana Department of Transportation (INDOT) reimbursement agreement for the Unofficial Local Detour (ULD) for Des No. 1800153 that was established along CR 800 S for the SR 234 closure. The total reimbursement amount is \$13,843.80 for the expenses that Boone County incurred for dust control during the closure.

Commissioner Wolfe moved to approve the INDOT reimbursement agreement for the ULD Des No. 1800153. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF BRIDGE 148 CHANGE ORDER #1

Nick Parr, Director of Highways, presented the Duncan Robertson, Inc. Change Order #1 for Bridge #148, replacement CR 600 W over Big Racoon Creek. This is the final closeout change order for a reduction of \$10,941.15, which brings the total contract amount down to \$935,359.85. The reduction is due to underruns on various items.

Commissioner Beyer moved to approve the Duncan Robertson, Inc. Change Order #1 for Bridge #148, replacement CR 600 W over Big Racoon Creek. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF WITT ROAD / CR 150 W DISCUSSION

Nick Parr, Director of Highways, presented a variety of solutions at previous meetings. Eli Lilly is still anticipating over 1,500 vehicles traveling on the roads everyday throughout the construction season next year. That is a significant number of users on the roadways commuting to and from the site. If there is no construction on Witt Road/CR 150 W and it is not built to withstand the traffic, then all 1,500 vehicles will travel on Witt Road/CR 150 W and CR 300 on the south of the site. There will be significant impacts to the locals who use those roads ways and backups at the intersections. Nick Parr has reached out to the contract to see if the bridge and Witt Road/CR 150 W roadway reconstruction from CR 450 N to SR 47 during this year's construction season. They want to know what has been approved to be built is almost to CR 525 N all the way down to CR 450 N and a quarter mile south of SR 47 on Witt Road/CR 150 W. There is approximately 3,700-foot-long section that has no approval for construction on Witt Road/CR 150 W. Are we leaving the 3,700' section in the middle as is? Are they to expand it in the areas with the existing right-of-way? Are they to do the full expansion of the roadway? They have asked what steps need to be taken to move forward with the roadway reconstruction project. Michael Watts echoed that there is approximately 3,700' of roadway reconstruction that has yet to be approved for Witt Road/CR 150 W. This is the final portion out of all the sections of roadway that permits have been applied for regarding this project. The request today is for the final 3,700' be approved. They are allowed to be reconstructed and widen it in the areas that they do control right-of-way using apparent right-of-way. Where they do not control right-of-way, they can reconstruct it within the existing pavement. The challenge for Pure Development and the contractor is the uncertainty of the scope moving forward. Ideally, they are getting as much substantially completed this year. They are coordinating with the Fluor team on what roads get closed when and making sure they maintain good access to the site. The materials for the bridge structure have been ordered. Commissioner Wolfe asked Todd Stout, Structurepoint Engineer, how will motorists know of the narrow road changes? Todd responded that there would be advanced warning signs, taper in the lanes, pavement markings and possible rumble strips. Michael Andreoli, legal counsel for a few residents along Witt Road/CR 150 W, stated that there has not been any movement on the land acquisition for his client's property. He requested the commissioners not to allow any road work to be completed unless the appropriate right-of-way has been acquired. His fear is that if we continue to open the door for the state by approving portions of the

roadway reconstruction, they will not negotiate in the acquisition of right-of-way, and the road will not be built the way it should be built – safe for motorists. Michael Andreoli does not believe they are negotiating in good faith. Danielle Morrison, resident, stated during the July 17th meeting the commissioners approved the permit with a conditional requirement that the IEDC/Eli Lilly was to in their best efforts understand the property owners concerns and identify possible solutions. Since then, they have not done that, absolutely zero things. Now they are asking for additional approvals for the roadway reconstruction. She believes it is extremely important that we hold them accountable for the things they said they would do but have not done. It has already been identified that the 3,700' portion of the roadway is all that is remaining.

Commissioner Beyer moved to approve the reconstruction of north Witt Road/CR 150 W (permit #202310053) from CR 450 N to SR 47 and all areas previously not approved, except for approximately 1,000' length centered on the Fahrenbach property and 1,000' length centered on the Burnell/Morrison property. This motion is conditioned on offers remaining open and not being rescinded for any other properties. It is his understanding that there are about three (3) of them involving temporary right-of-way where offers were made but have not been accepted, so that those property owners continue to have the opportunity to accept the offers. This motion does not include the road length associated with the reconstruction of the Fahrenbach and Burnell/Morrison properties based on the discussions had. It may be possible that the issues pertaining to these properties could be resolved in a matter of days, at least he would like to hope so. He would like to allow a little bit of time for them to come to a resolution. County Attorney Bob Clutter requested clarification is that for reconstruction for right-of-way the IEDC has purchased or just in the existing right-of-way? Commissioner Beyer confirmed for the right-of-way has purchased except for the 1,000' length of the two properties – total of 2,000 feet. County Attorney Bob Clutter asked if the 1,000' no reconstruction or just in the existing of right-of-way? Commissioner Beyer stated no reconstruction today as he is hoping those issues will be resolved in a matter of days. The commissioners could hold a special meeting if needed given that we are running out of construction season. Michael Watts wanted clarification that they would be allowed to reconstruct all areas between the 1,000 feet of the two properties. Commissioner Beyer confirmed yes. Michael Watts responded that they would have to evaluate that because coming from SR 47 to a widen roadway, then narrowing it, widening it, narrowing it, and widening it again would create more safety issues opposed to leaving it as it is. If that is the final resolution, they may only reconstruct from the existing pavement edge and leave that section narrow. He would need to evaluate that with the engineering team. Commissioner Wolfe seconded the motion. His concern with not approving an overlay for the areas not included in the motion will create a significant safety hazard if we have a road that deteriorates. Then there is a financial concern for the taxpayers. If we do not allow them to pay for the roadway reconstruction, then it falls on the County to pick up the bill at a later date. That section of the roadway will have to be rebuilt; there is no question about it. That causes a high level of concern for him as there will be two stretches of road that will need to be repaved after one construction season, and the county is not prepared to fund that work. Commissioner Beyer requested Michael Watts to provide a proposed schedule of the roadway reconstruction for Witt Road/CR 150 W. Michael Watts stated that this is the challenge with all of this as they are trying to be good partners with the Fluor construction team and making sure they have access to what their priorities are too. They are not able to shut down multiple access points at the same time. They are still working on the schedule. Ideally, they will get the final release from the mortgage company and begin work on the bridge by the end of this month. What they do not want to get into is weather delays due to the season. They also want to make sure the property owners have accessibility. We have already seen how quickly Witt Road/CR 150 W has begun deteriorating. It has been determined that they will have to do a full reconstruction of the roadway - an overlay will not be sufficient. Commissioner Beyer asked if they had the green light today, it is his understanding, based off the comments made, that work would not begin until the second half of the month, correct? Michael Watts responded that is correct as they cannot flip a switch, and construction crew be at the site tomorrow. The company will have to mobilize, get their erosion control in place, and order materials. Michael Andreoli thanked Commissioner Beyer for his motion as they continue efforts to maintain negotiations. In response to Commissioner Wolfe's comments, his concern is the commissioners are being played because they are approving sections of the roadway reconstruction without having the appropriate rights-of-way being

acquired. It could incentivize the state to move forward without negotiations. He can advise that having the roadway expanded, narrowed, expanded, narrowed, and expanded is an unsafe design. That is why it is important for the IEDC to purchase the necessary right-of-way and reconstruct the roadway as it was originally designed. Commissioner Wolfe asked if this roadway was to be fully reconstructed outside of the Lilly project, what would the cost be? Michael Goralski responded that the highway department has looked at this, and it would cost approximately \$3million dollars for this section. Commissioner Beyer commented that the commissioners would ideally like to see the roadway reconstructed as it was originally designed. The purpose of his motion is to make one last effort to get the parties together to make that happen. Commissioner Lawson commented that his opinion would be all or nothing. If they do not have the right-of-way to complete the work, then from the quarter mile south of the bridge to CR 525 should remain as it is until all the right-of-way has been acquired. Motion did not pass (1-2 Lawson/Wolfe).

Commissioner Wolfe made a motion to use the framework of Commissioner Beyer's original motion but to include an overlay or repair of the sections that are in the existing right-of-way for the two sections that were excluded. Michael Watts would recommend fully reconstructing the road from the current existing edge of payment to existing edge of pavement. Pure Development is responsible for the maintenance for the next three years, and they do not believe one (1) inch over overlay would not holdup during the construction seasons. Commissioner Beyer asked if his motion accepts both 1,000' sections for the full width reconstruction. Commissioner Wolfe responded at a minimum of reconstruction within the right-of-way. His motion would allow for if they were to reach an agreement, it could be done to the original plan. Commissioner Beyer wanted to clarify that his motion includes not rescinding the offers that have not been accepted for the temporary right-of-way. Commissioner Wolfe stated that is correct. He will continue to encourage Scott Alexander to negotiate with these folks. Michael Andreoli commented that this motion does exactly the opposite. Motion was not seconded.

Commissioner Wolfe made a motion to approve the permit including all the areas north on Witt Road/CR 150 W that have not been previously approved with a minimum of reconstruction to occur within the existing right-of-way of those properties that have not been acquired, and to be determined by engineering whether or not other sections will be widened. He would not encourage the roadway to widen and narrow at various locations. He would agree with Commissioner Lawson that it should be all or nothing. He also encourages the state to continue working with the property owners on negotiations. He would like to see this road constructed as designed. Commissioner Beyer seconded the motion in good faith effort that the state will work out the issues with the two properties, stressing that it is very important for the properties that still have issues be resolved. Commissioner Lawson commented that his stance remains the same on this. It is an all or nothing deal. Danielle Morrison reiterated that they have not followed through on a single thing they said they would. Scott Alexander commented that there is some passion here, and he understands that. At the forefront of all our minds is public safety. He hopes that we can all agree that Witt Road, at the bare minimum, be improved and reconstructed in its own footprint for public safety. To the extent that a vote improving the public safety process would lead to no further discussions would be inaccurate. He sent an email last Friday to Mr. Andreoli stating that if this was approved, they would continue and wanted to reach out on Wednesday, tomorrow, to have further discussions. We need to get the road improved for public safety as soon as possible. In respect to not doing what we have said, that is also inaccurate. Representatives have met with the property owners. They have provided a new bus turnaround at the state's expense. They have worked with Eli Lilly on traffic studies, timing, potential parking and shuttle issues. Michael Broach commented there is an erosion of people's rights in the name of public safety. Charles Bookwalter, resident of Boone County, stated that nothing in negotiations is black and white. When you undercut the most important final negotiation process, you undercut the entire argument of the people holding out for that negotiation. That is what is happening right here. He has observed some of the meetings about the LEAP project over the last few years. The IEDC made it very clear that the reason they had to do it the way that they are is because it is such a big project, and they are the only ones that can get it done. If they are such a powerful entity, then they should be able to ensure that these negotiations happen, they happen

quickly, and happen for the benefit of the citizens. This should take place before undercutting the final negotiations process. Motion passed 2-1 (Lawson).

IN THE MATTER OF OLD BUSINESS

BOONE COUNTY JUSTICE CENTER PROJECT UPDATES

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

Safety	• 121 days without a recordable incident. • Reducing drive lane near building B to one lane. • Daily and weekly safety meetings continue. • Prefab walls mean extra caution in construction area so working on detail of safety plan. Limiting access to Controlled Access Zones for walls. • Crane safety plan is in place beginning this week. • Continue with heat related precautions.
Issues	• Dewatering has started at the Aqua Swirl Structure Site Location • Fighting the heat
Milestones accomplished since last update	• Completed basement floors in Building B for Community Corrections Building. • Building E foundation continues well ahead of schedule. Walls being constructed via Masons.
Schedule milestones to be accomplished	• The Unit C Property Room needs to be available by October 1st. Had a logistics meeting with the BCSO Command Staff last Thursday. • Work Release will be shut down October 1st. Booking/Holding moved to F-Block on October 24th so demo can start interior of current booking area.

TIMECLOCK PLUS PROJECT UPDATES

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

Scope of the project	• Phase one – implementation complete. • Currently working on Phase two which is integration into CYMA. • A new module for handling Flex Time and some OT intricacies is installed and we will implement it this coming week.
Issues	• No issues this week from a software or hardware perspective. • Continue to implement the new Flex Time and OT module

K2M 20 YEAR NEEDS ASSESSMENT PROJECT UPDATES

Michael Nielsen, Project Manager, presented the following updates for K2M 20 Year Needs Assessment Project:

Milestones accomplished	• All completed facility form surveys were completed and back to the project team on time on the 28th. • August 30th and the 31st the on-on-one interviews were conducted with each department head and elected officials. • Prior to this Max and his facilities team assisted the assessment team walking through each building and office. Spent 2-3 days completing this research. • Max also provided all the building plans digitally for each county owned facility.
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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

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

- 1) Construction in right-of-way permit (#202310008) for AES Indiana at Indianapolis Road from Whitestown city limits to the County line for the placement of poles and overhead lines. The Boone County Highway Department recommends approval with a \$30,000 Bond.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310008) for AES Indiana. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Construction in right-of-way permits for Ervin Cable / Charter Communications at various locations for the placement of overhead lines.

#202310099 – CR 100 E and CR 550 S

#202310100 – S Acton Road

#202310101 – East CR 600 S

#202310102 – CR 700 S and CR 200 E

The Boone County Highway Department recommends approval with \$5,000 Bond for each permit. Commissioner Wolfe moved to approve the construction in right-of-way permits (#202310099, #202310100, 202310101, 202310102) for Ervin Cable / Charter Communications. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 3) Construction in right-of-way permit (#202310104) for English Excavating at 656 Russel Lake E Drive for a new sewer install. The Boone County Highway Department recommends approval with \$5,000 Bond.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310104) for English Excavating. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 4) Construction in right-of-way permits for Varita Corp./Charter Communications at various locations for directional bore under roadway.

#202310105 – 6484 N 1100 W

#202310106 – 11745 W 400 N

#202310107 – 7028 N Sugar Creek Road

#202310109 – 6402 N 1100 W

#202310110 – 3757 N Hazelrigg Road

The Boone County Highway Department recommends approval with \$10,000 Bond for each permit. Commissioner Wolfe moved to approve the construction in right-of-way permits (#202310105, #202310106, #202310107, #202310109, #202310110) for Varita Corp./Charter Communications. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 5) Construction in right-of-way permit (#202310108) for Centerpoint Energy at CR 375 N LEAP for underground linear construction. The Boone County Highway Department recommends approval with \$30,000 Bond.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310108) for Centerpoint Energy. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 6) Construction in right-of-way permit (#202310111) for Terracon/USI at Bridge No. 61 for a vertical bore. The Boone County Highway Department recommends approval and waive the Bond.

Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310111) for Terracon/USI. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 7) Construction in right-of-way permit (#202310112) for Eli Lilly & Co. at CR 300 N at CR 150 W (Witt Road) to install temporary traffic signals. The Boone County Highway Department recommends approval with \$5,000 Bond.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310112) for Eli Lilly & Co. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 8) Road closure permits for Eli Lilly & Co at various locations:

#202320017 – at CR 300 N and SR 39 (Traffic Signals). Date of closure to be determined.

#202320018 – at CR 300 N and US 52 (Pavement Improvement). Date of closure to be determined.

#202320019 – CR 300 N and US 52 (Culvert Replacement). Date of closure to be determined.

The Boone County Highway Department recommends approval of the road closure permits.

Commissioner Wolfe moved to approve the road closure permits for Eli Lilly & Co at various locations. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 9) Burgess and Niple, Inc. Task Order #4 for inspection of traffic signals that will be installed along CR 300 N. The costs incurred for this task order will be reimbursed by the Lilly/Flour team.

Commissioner Wolfe moved to approve the Burgess and Niple, Inc. Task Order #4. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 10) Other highway department items for discussion:

- Bridge 192 on CR 300 S, just east of CR 800 E is scheduled to close for construction on 09/27/2023 and will remain closed until the bridge is reconstructed. Our portable message boards will be placed to warn motorists of the upcoming closure.
- Bridge inspections are expected to start the week of 09/05/2023. All 194 bridges will be inspected during the month of September.
- Lilly Project updates
 - CR 375 N is open
 - Utility relocations are ongoing
- CSX Rail Crossing closures are upcoming this month. They are anticipated to start in the south and work their way north of the County. Collaboration with public safety is ongoing.

IN THE MATTER OF DOCUMENT SIGNING

- 1) Affidavit for payment to Lochmueller Group in the amount of \$720 (INV#312958) for the Boone County culvert replacement SC015 at CR 900 N.

Commissioner Wolfe moved to approve the affidavit for payment to Lochmueller Group (INV#312958). Motion seconded by Commissioner Beyer; 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 PUBLIC COMMENT

Charles Bookwalter, resident of Boone County, presented the notice of maladministration in elections and unconstitutional form of government that was delivered to the Boone County Commissioners and Clerk's Office last Friday. He briefly summarized the notice and its purpose. The Republican National Committee (RNC) recently unanimously passed resolutions for Election Integrity.

- 1) Use systems that are fully auditable, namely hand-marked, voter verified paper ballots to ensure every voter is memorialized by a paper record.
- 2) Support the rights of counties to implement the most resilient voting procedures that do not require the use of machines and those that implement hand counting procedures that are fully auditable.
- 3) Support precinct polling and oppose vote centers.
- 4) Eliminate all Ballot Drop Boxes.
- 5) Prevent further expansion of early voting.
- 6) Require IDs and citizenship for voting.

He left a copy of the RNC's resolution for the commissioners' consideration.

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 10:40 AM on Tuesday, September 5, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.