

Boone County Board of Commissioners Minutes January 17, 2017

The Board of County Commissioners met in a regular business session at 9:00 a.m. in the Boone County Office Building, Connie Lamar Meeting Room, #105, Lebanon, Indiana 46052 on January 17, 2017. Those present were Commissioner Marc Applegate, Commissioner Jeff Wolfe, Commissioner Donnie Lawson, County Attorney Bob Clutter and Karen Lasley-Maue Administrative Assistant.

The meeting was called to order by Board President Don Lawson at 9:00 a.m. following the Drainage Board Meeting.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioner Applegate made a motion to approve the minutes from the January 3, 2017 Business Meeting. Commissioner Wolfe seconded. Motion carried 3-0.

IN THE MATTER OF LEGAL ISSUES

County Attorney, Bob Clutter, was present and noted that he had one Performance Bond for Anson Southwest Business District for storm pipes and manholes in the amount of \$359,913.60. Commissioner Wolfe made a motion to approve. Commissioner Applegate seconded. Motion carried 3-0.

Attorney Clutter presented a contract for Absolute Medical Waste for the Health Department. This is a three year contract and Attorney Clutter made some revisions to the contract. This is for the discarding of the sharps containers. This will be paid from budget line number 9197.0000.402.422.0.8868 and is for one signature. Commissioner Wolfe made a motion to approve and to authorize President Lawson to sign the contract. Commissioner Applegate seconded. Motion carried 3-0.

Attorney Clutter then presented the estimate from American Legal for the codification of the 2016 County Ordinances. The estimate is \$1499.04 plus the Folio which is used to update the County's online code is billed at \$303 annually and the hosting of the code on the American Legal Publishing's website is \$500. Commissioner Applegate made a motion to approve. Commissioner Wolfe seconded. Motion carried 3-0. This will be paid from budget line number 1000.0068.430.431.0.6834.

Attorney Clutter presented a letter drafted by Mrs. Lasley-Maue at the request of Whitestown in support of their efforts in applying for a grant for creating a bicycle and pedestrian master plan. Commissioner Applegate made a motion to approve. Commissioner Wolfe seconded. Motion carried 3-0.

Attorney Clutter presented an agreement with the Boone County EDC for services to be rendered in 2017. The fee is \$125,000 and will be paid from budget line 1157.0061.430.431.0.3151. This is for all three signatures. Commissioner Wolfe made a motion to approve. Commissioner Applegate seconded. Motion carried 3-0. Mr. Ben Worrell, BCEDC, was present and informed

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the Commissioners that they received 120 leads in 2016; brought in 11,050 jobs to Boone County and also \$2 million in COIT to Boone.

Mr. Bob Levins and Mr. Doug Henderson, Co-Alliance, were present to discuss the fuel contract with the Commissioners. The last meeting the Commissioners decided to wait until this meeting to see if the fuel prices would go down. Today the pricing is \$2.04 for Octane, \$2.149 for On Road Diesel and \$2.154 for Off Road. The agreement will be from February 1, 2017 through February 1, 2018. Commissioner Wolfe made a motion to lock the prices in. Commissioner Applegate seconded. Motion carried 3-0.

IN THE MATTER OF APPROVAL OF COMMUNITY CORRECTIONS GRANT

Mr. Michael Nance, Community Corrections, was present to request approval from the Commissioners for a grant and also a letter of approval. Commissioner Applegate made a motion to approve both. Commissioner Wolfe seconded. Motion carried 3-0. Mr. Nance also informed the Commissioners that the Vivitrol program which they recently started is going pretty well.

IN THE MATTER OF CONSIDERATION OF CONTRACT FOR COUNTY WEBSITE

Attorney Clutter presented a contract with GUTS for creating a new County Website. There are currently 900 pages on the County Website and it is in need of being updated. Attorney Clutter has reviewed and approved the contract. The contract is for \$100,000 and a \$39,000 annual fee for maintenance and support. There is a committee which has been selected to have input on the website and are listed in the contract. There are two additions to the list; Craig Parks and Elise Nieshalla and one deletion which is Tom Santelli. Commissioner Applegate made a motion to approve. Commissioner Wolfe seconded. Motion carried 3-0.

IN THE MATTER OF REQUEST FROM JENNIFER LAWRENCE FOR 'REUSE HEART AND SOLE' COLLECTION PROGRAM

Ms. Jennifer Lawrence, Boone County Solid Waste, was present to request permission to locate bins in the Courthouse, Elk's Building and the Annex for the 'Reuse Heart and Sole' collection program. Ms. Lawrence stated that last year they collected 2300 pair of shoes. Attorney Clutter suggested also putting a bin in the entrance to the Key Bank Building. The bins will be available to the public from February 3rd through February 21st. Commissioner Wolfe made a motion to approve. Commissioner Applegate seconded. Motion carried 3-0.

IN THE MATTER OF COURTHOUSE SECURITY PLAN AND IMPLEMENTATION

Sheriff Mike Nielsen and Deputy Glen Rabanus were present to discuss the proposed security plans and the implementation of those plans. Deputy Rabanus explained that some of the proposals are requested immediately and some are a wish list for future years. One proposal is to go down to only one entrance and one exit in the Courthouse, which probably would be the South entrance. Employees with keys would be able to come in the other doors before 7:45 am and go out any door after 4:00 pm. Employees with County ID's would be able to enter the one secured entrance during office hours without being scanned. Additional Deputies in the Courthouse are also a part of the proposal. With the additional Deputies, one would be a floater and would be checking on the Key Bank Building, the Elk's Building and the Annex. Future proposals are scanning and metal detectors to detect any hidden weapons, a small security room

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and equipment which would allow the Deputies to push a button and lock down the Courthouse upon an immediate threat. Another button would allow them to unlock all the doors for an evacuation. Mr. Rabanus informed the Commissioners that last year alone they had 54 arrests in the Courthouse. They will have a 'security committee' to review ideas from individuals using the Courthouse on a daily basis and hear their concerns. Mr. Rabanus stated that Mike Miller, Facilities Manager, already has funding in his budget to include a handicap entrance all the way from the street level to the first floor of the Courthouse. The current handicap ramp would possibly be used to bring the inmates in through the basement and directly into the elevators. Sheriff Nielsen explained that these proposals are all a part of his five year security plan. Nielsen stated that the funding is in place and he was requesting an Ordinance to support his plan. They hope to have the plans in place by June 1st of this year. Sheriff Nielsen stated that he wished we lived in a society which did not require these security measures; however, he feels that it is his responsibility to keep the employees and the public safe when they are in a County owned building and feels that he needs to take all the measures that he can to do just that. Sheriff Nielsen stated that they have Federal and State Agencies recommending that we update our security measures due to our exposure. Attorney Clutter stated that if the Commissioners wished to proceed with this that they authorize him to draft an Ordinance and have it ready at their second meeting in February. If you have any changes you wish to make regarding the five year plan, we will need to address that and then draft the Ordinance along with the date in which this will be implemented. Sheriff Nielsen stated that the attorneys in the Bar Association would be vetted as well as two staff members from their office, and since they are not members of the Bar Association, those staff members would require a background investigation and we would provide that. Our goal is not to hamper any business of any attorney that is coming in and out of that Courthouse. Time is money and Sheriff Nielsen stated that he understands that. Ms. Erica Dobbs, President of the Boone County Bar Association, was present and stated that she could not speak for the Bar but her personal feelings were that she was in support of the security updates. Local Attorney, Tom Whitsitt, expressed his displeasure of the changes; stating that he felt the current security was sufficient and if they felt the need to increase it, he was all for hiring new deputies for Courthouse security but did not feel there was a need to go to one entrance. Mrs. Debbie Ottinger, Boone County Treasurer, was present and stated that she appreciated the security updates. Commissioner Wolfe stated that he would like to have a public hearing or at least be sure that any citizen which would like to express their views on this has the opportunity to do so. Attorney Clutter will put together a public hearing notice for February 21st.

IN THE MATTER OF APPROVAL OF INMATE HEALTHCARE CONTRACT

Sheriff Mike Nielsen requested a letter from the Commissioners terminating the contract with CHC and approve the contract with Quality Correctional Care. Per Nielsen, the new contract will add Mental Health care to prisoners and PTSD help for employees. Attorney Clutter made some revisions to the new contract. Commissioner Applegate made a motion to approve a termination letter to CHC and approve the contract with Quality Correctional Care. Commissioner Wolfe seconded. Motion carried 3-0. Attorney Clutter and Mrs. Lasley-Maue will draft a letter of termination to CHC.

IN THE MATTER OF APPROVAL OF ORDINANCE 2017-01; AMENDING RETURN CHECK FEE ORDINANCE

Attorney Clutter presented the first Ordinance of 2017 which will amend a prior Ordinance which adds all departments in the County to be able to collect an insufficient check fee. Currently, the original Ordinance only includes the Clerk's Office. The fee was also raised from \$20.00 to \$25.00. Commissioner Wolfe made a motion to approve Ordinance 2017-01. Commissioner Applegate seconded. Motion carried 3-0.

IN THE MATTER OF OTHER BUSINESS

Commissioner Wolfe questioned if they could pass a Resolution which would allow documents to be signed not matter if it is for one, two or three Commissioners' signatures. Attorney Clutter stated that could be done and he will draft a Resolution to that affect.

Mr. Sean Horan, GUTS, was present to represent Nikki Baldwin, Boone County Recorder, who is requesting to close her office for two days while they are switching over to Odyssey. This will require a complete revamp of their entire system and it would be impossible to conduct business while this is being done. They are requesting to close on Thursday, May 4th and Friday, May 5th. The Commissioners expressed their regrets of having to close down an office but felt that they had no choice. Commissioner Applegate made a motion to approve the request. Commissioner Wolfe seconded. Motion carried 3-0.

Boone County Clerk, Jessica Fouts, was present to request that her office be allowed to close for lunch from January 30th through February 10th due to training for Odyssey. The training is from 9:00 to 12:00 and 1:00 to 4:00. Commissioner Applegate made a motion to approve. Commissioner Wolfe seconded. Motion carried 3-0

IN THE MATTER OF STAFF REPORTS

Mr. Craig Parks, Boone County Highway Engineer, was present and presented four Utility Agreements. The first one was with TDS and they have already posted a \$5,000 bond and they have been notified that they need to get a legal drain permit as well and Mr. Parks recommended approval as long as they get the legal drain permit. Commissioner Wolfe made a motion to approve pending their obtaining the legal drain permit. Commissioner Applegate seconded. Motion carried 3-0. The next Utility Agreement is with Maxwell Farm and Mr. Parks recommended approval with a \$5,000 bond. Commissioner Applegate made a motion to approve with the \$5,000 bond. Commissioner Wolfe seconded. Motion carried 3-0. U S Aggregate is the next Utility Agreement and Mr. Parks recommended approval with no bond. Commissioner Applegate made a motion to approve. Commissioner Wolfe seconded. Motion carried 3-0. The last Utility Agreement is for IPL. Mr. Parks recommended approval with no bond. Commissioner Wolfe made a motion to approve with no bond. Commissioner Applegate seconded. Motion carried 3-0.

Mr. Parks informed the Commissioners that they had recently been clearing brush and trees which are impeding on the right-of-ways. The current Ordinance allows us to clear brush up to five feet off of the edge of the pavement. They are now using the new mulching machine which does not always leave things in the best of condition so we would like to have the flexibility to

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clear the right-of-way of trees. This would also help with drainage issues which may come up. We would like to be able to remove brush from within the entire right-of-way at our discretion. Commissioner Applegate stated that he wishes they could put the responsibility on the property owners to keep those areas clear and if they don't then we do it. Commissioner Applegate stated that he has been down 900 and he can see where individuals might get upset; however, if they want it cleared in a more sightly manner, then they should be the ones responsible not us. Parks stated that they have over 700 miles of roads and a staff of 30 people and they have enough to do without cutting trees; however, if the homeowner does not cut them then we have to. It would be nearly impossible for us to be in communication with each property owner telling them we are going to be in their area clearing the right-of-way. Commissioner Wolfe stated that he felt that this would be a very good use of the new website once we get it up and running. Mr. Parks stated that the roads that they are clearing the right-of-ways on are the roads which will be involved in the summer road program and they are preparing for that. Commissioner Applegate stated that he is sure that the residents are going to complain but he had heard several reports of the overhanging trees hitting vehicles and even heard where a Zionsville school bus had their side mirror knocked off. Parks stated that it becomes a safety issue. Commissioner Lawson stated that he felt that we should start cleaning up the right-of-ways a little more and start pushing them back. Mr. Parks requested that the current Ordinance be amended. Mr. Parks stated that he would like to apologize to everyone that lives on a gravel road. The gravel roads are awful and the amount of rain that we are getting is causing the freeze, thaw, freeze, thaw and we can't even get on the roads to do anything with them. Parks asked for the citizen's patience. Parks stated that they know they are a mess, but if they try to get on them to work on them they will make even a bigger mess, so please be patient. Parks stated that he wanted to remind everyone that the Frost Ordinance is currently in effect from January through April. If someone needs a permit please go to the Highway Department. There was a question as to what weight was placed on that Frost Ordinance and President Lawson requested that they revisit the weight limit. Mr. Parks stated that anyone interested in the Thoroughfare Plan can come to the meetings and can also go to the website Boonecountytif.com. The Bypass Connector project is currently advertised on INDOT's website and the bids will be opened by INDOT on February 8th and this will be a two year project.

IN THE MATTER OF DOCUMENT SIGNING, CLAIMS

Mrs. Lasley-Maue presented the claims. See Appendix #1 for a list of claims approved and signed in today's meeting. Commissioner Applegate made a motion to approve the Claims submitted. Commissioner Wolfe seconded. Motion carried 3-0.

IN THE MATTER OF MAIL

See Appendix #2 for a list of mail opened by the Commissioners on this date.

With no further business, Commissioner Wolfe made a motion to adjourn. Commissioner Applegate seconded. Motion carried 3-0.