

February 3, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, February 3, 2009, with a quorum of three (3) Commissioners in the Commissioners' Meeting Room on the first floor of the Hendricks County Government Center with the following in attendance:

David A. Whicker)	
Phyllis A. Palmer)	Hendricks County Board of Commissioners
Eric L. Wathen)	
Cinda Kattau		Hendricks County Auditor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Martin Summers		Hendricks County Highway Superintendent
Cathy Grindstaff		Hendricks County Environmental Health Director
Larry Crowder		Hendricks County Environmental Health Specialist
Judith Wyeth		Secretary to the Commissioners

Commissioner Whicker opened the meeting and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

Commissioner Palmer moved to approve the minutes of January 27, 2009 as corrected. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claims #190808 thru 1908853, #190913 thru 190921, #092003 thru 092154 and Direct Deposit #045875 thru 046262, as advertised. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF OUTDOOR WOOD BURNING FURNACES

Commissioner Whicker explained the process for adopting ordinances and stated this meeting today was for the Commissioners' to determine if they wished to advertise for a public hearing on the draft ordinance for outdoor wood burning furnaces and if they did advertised there would then be a public hearing for the public input before the ordinance could be adopted. Mr. Whicker then advised he was leaving the meeting as he had a possible conflict of interest on this matter and left at 9:35 AM.

Vice President Palmer took charge of the meeting.

Commissioner Wathen stated there had been one complaint on an outdoor wood burning furnace and one complaint did not justify changing the law. Commissioner Palmer stated she would want to know if there were other counties with such an ordinance and that apparently LaPorte County had one. She also stated she had concerns there was no "Grandfather" clause in the draft ordinance that addressed existing furnaces and that the complaint was from a resident that lived in a town and stated concerns within a town should be addressed by the town and not the County.

Attorney Lee Comer spoke on behalf of the citizens he represented stating that they were in opposition to this ordinance and expressed appreciation to the Commissioners for their concerns and comments. It was the consensus of the Commissioners to not advertise the outdoor wood burning furnaces ordinance for a public hearing and would take no further action on the matter.

Commissioner Whicker returned to the Commissioners' meeting at 9:40 AM.

IN THE MATTER OF EXIT 59

Jason Bria, Lauth Development, gave a brief update on the development at Exit 59 and of their Westpoint Business Park and stated they are moving ahead with this project as planned. He stated they will add signs at this location for some marketing purposes. Mr. Brier also advised they are working on a possible one-hundred acre sale to a developer for a large project at this location.

Commissioner Whicker announced that during the Hendricks County Regional Sewer Board meeting this morning the Board approved and signed the Notice to Proceed with Valenti-Held Contractors for the construction of the Exit 59 wastewater treatment facilities in the amount of \$1,520,500.

David Adams, Lauth, advised Lauth is moving forward with the water infrastructure and are working with Indianapolis Water and Veolia for water to Exit 59 and requested the County to review the water agreement. Mr. Adams stated Lauth is waiting for a Letter of Credit to give to Veolia and requested a meeting with the County and Veolia to discuss suggested changes in the agreement. Mike Graham explained some concerns Bruce Donaldson, Barnes & Thornburg, had on the public bidding section of this agreement. It was the consensus of the Commissioners for Mike Graham to work with Attorney Greg Steuerwald to review this agreement and bring back recommendations to the February 10, 2009 Commissioners' meeting.

John Ayers presented an Agreement for New SR 39 Intersections between the Indiana Department of Transportation and Hendricks County and stated this will be funded by Lauth Development. Commissioner Palmer moved to approve the agreement between Hendricks County, Lauth and INDOT for the new SR 39 intersection, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF JUDICIAL CENTER

John Ayers reported new members appointed to the Judicial Advisory Group include Sheriff Dave Galloway representing the Sheriff's Department, Judge Stephanie Lemay-Luken representing the Judges and Attorney Lee Comer representing the Bar Association. He further advised the only representative not yet appointed was from the

Council and they will make that appointment during their regular monthly meeting on Thursday, February 12, 2009.

Jeff Healy, Banning Engineering, said they have not set up all of the meetings for the study group.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers presented the February 2, 2009 letter to Mark Albers, INDOT, requesting a warrant analysis for a traffic signal to be performed at the intersection of Ronald Reagan Parkway at US Highway 136 due to significant traffic backups at this intersection. The letter stated that as part of the County's project on CR 600 N (56th Street) a signal is planned at the intersection at the other end of this segment of the Parkway.

Commissioner Wathen advised later today he will be talking about the Ronald Reagan Parkway with representatives from the *Indianapolis Business Journal* for an article in an upcoming publication.

IN THE MATTER OF HIGHWAY BIDS

Commissioner Whicker announced it was 10:00 AM and the Notice to Bidders for Highway pavement had been duly advertised for 10:00 AM and bids should be closed. Commissioner Palmer moved to close bids for Highway pavement. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. John Ayers opened the three bids received and read the following:

	Type A- per ton	Surface	Cold Mix	Liquid
Milestone	\$ 38.40	\$ 43.80	\$ 98.50	\$ 547.00
Asp Materials	---	---	---	\$ 432.00
Rieth Riley	\$ 50.52	\$ 59.93	\$ 93.00	---

Commissioner Whicker thanked the bidders. It was the consensus of the Commissioners to refer the opened bids to staff to review and bring back a recommendation next week, February 10, 2009.

IN THE MATTER OF HIGHWAY

Martin Summers stated the Highway Crew had no major problems during the snow last week as the County had 20 trucks out and two contractors all salting, sanding and pushing snow.

Martin Summers explained some problems they were having with their new trucks and stated he has some trucks in the shop for mechanical problems.

Martin Summers advised the County salt supply was low and they have been unable to get additional salt from their supplier. John Ayers explained the possibility of working with the State on their salt bid and stated he will meet with representatives from the State to work with them for a better bid, supply and time frame. Martin Summers suggested we look at building a salt storage barn that would enable them to buy salt in the summer and store in order to have a plentiful supply for winter snow.

Receipt was acknowledged that Wayne Marsh, Highway Garage Supervisor had not received the lease agreement for the four new Highway trucks from I-H and will bring those to the Commissioners when they are received.

IN THE MATTER OF COUNTY CREDIT CARD POLICY

Mike Graham advised he had met with Auditor Cinda Kattau, Financial Administrator Tami Mitchell and Treasurer Nancy Marsh regarding developing recommendations to change the Credit Card Policy. The Auditor and the Council have already sent a notice out to the Elected Officials and Department Heads reminding them that the cards cannot be used for personal items. Mr. Graham further advised they are going to ask the Elected Officials and Department Heads to refrain from using the credit card with regular vendors who will bill the County and stated the Auditor and her staff are developing a list of vendors. He also stated another objective will be to pursue a reduction in the number of line items and if they can be consolidated it could help with the accounting associated with the credit cards. Mr. Graham stated if we focus on addressing some of these items it may not be necessary to change the current credit card policy. It was the consensus of the Commissioners for Mike Graham to continue to work on internal issues for the County credit card.

IN THE MATTER OF DANVILLE - BUILDINGS

Mike Graham presented a draft of a proposed Memorandum of Understanding (MOU) between the Danville Town Council and the County about the exchange of properties between the Town and the County. The original concept was Danville would give their properties along the west side of the Court House in order to help keep the Court House downtown, however some of the Town Officials have added a number of land swaps from the County to the Town. There was discussion of the MOU, as presented. Mr. Graham asked the Commissioners for their general reaction to these terms and who they wanted to negotiate the MOU on behalf of the County. It was the consensus of the Commissioners to trade no land at the Government Center, to not buy any house and for Mike Graham to continue working with Danville on this Project.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham referenced a January 6, 2009 memo sent to Chief Animal Control Office Mary Anne Lewis regarding the use and the accounting associated with donations she receives including that she will maintain a receipt book to track all donations. The Animal Control Staff provides receipts for all cash donations, however, receipts have not been issued for non-cash donations such as dog and cat food, kitty litter, bleach and other cleaning items. Mr. Graham stated they receive these non-cash donations from girl scouts, pet stores and big boxes like Wal-Mart and

Target and Ms. Lewis would prefer to not have to write receipts for non-cash donated items. It was the consensus of the Commissioners for Auditor Cinda Kattau to check with the State Board of Accounts on this matter and report back to the Commissioners.

Mike Graham stated that when the Animal Control has Saturday hours it is the interpretation of Chief Animal Control Officer Mary Anne Lewis that she has to send out her road patrols and questioned if it was the Commissioners intent for Saturday hours to include all functions normally done during the week days or is there a willingness to limit the functions on Saturday to those associated with the adoption program, maintenance of the facilities and emergency calls. It was the consensus of the Commissioners that they approved Saturday hours for the Animal Control for the purpose of adoption only.

IN THE MATTER OF EMERGENCY MANAGEMENT ADVISORY COUNCIL

It was the consensus of the Commissioners to continue the discussion regarding composition of the Emergency Management Advisory Council until a later date.

Commissioner Palmer moved to recess the Commissioners' meeting at 10:29 AM for the Tech Board. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker opened the Tech Board at 10:30 AM with John Parsons, Systems Administrator, and Doug Morris, Web Master, joining the meeting.

IN THE MATTER OF TECH BOARD

Commissioner Wathen questioned the time frame for the overhead projector in the Commissioners' meeting room. John Parsons advised they were waiting on the wiring to be installed for the projector. John Ayers said he would determine when the work could be done. Doug Morris explained they were looking at several projector options.

John Parsons advised that Doug Morris is checking with other counties on new recording equipment for the Commissioners' meeting room.

John Parsons presented a contract for software maintenance for Voter Registration from Microvote General Corporation in the amount of \$9,500 and stated they will fund this contract from the Computer Department budget. Commissioner Palmer moved to approve the Microvote General Corporation contract for software maintenance and authorize the President to sign on behalf of the Commissioners. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Palmer moved to adjourn the Tech Board at 10:35 AM. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker reconvened the Commissioners' meeting at 10:45 AM.

IN THE MATTER OF PARKS AT PRESTWICK – CR 100S CALMING ISLAND

John Ayers presented the bill and claim from Trisler Construction Company in the amount of \$10,559 for the calming island that was built in Parks of Prestwick on CR 100S. It was the consensus of the Commissioners to sign the claim for this previously approved project in Parks at Prestwick.

IN THE MATTER OF GOVERNMENT CENTER GENERATOR

John Ayers explained some cost saving changes on the new generator for the Government Center that will be delivered this month. Mr. Ayers presented three quotes for the slab work at the loading dock for this generator:

JDH	Trisler	Joe Powell
\$ 5,996.50	\$ 9,600.00	\$ 2,742.00

Mr. Ayers recommended JDH as the lowest quote received for a slab of adequate construction.

Commissioner Palmer moved to approve the quote from JDH to install the slab at the Government Center dock for the generator as the lowest quote received. Commissioner Wathen seconded the motion and the motion was approved 2-0-1 with Commissioners Palmer and Wathen voting aye and Commissioner Whicker abstaining due to possible conflict of interest because a family member works at JDH.

IN THE MATTER OF REGIONAL MPO SUB COMMITTEE

John Ayers advised he is a member of the MPO Regional Sub Committee for updating project selection criteria and a Regional Transportation Plan. He stated they will be meeting and discussing road issues in central Indiana.

IN THE MATTER OF EXTENSION OFFICE - COPIER

Receipt was acknowledged of an email from Scott Foster, 4-H Youth Educator, requesting a copier for the Extension Office as they have over 2,000,000 copies on their copier and are having several service calls for maintenance problems. It was noted that CopyCo has advised us they have some reconditioned copiers for \$2,350 that were previously leased to a law firm that have very low usage and have all the capabilities the Extension Office has with their current copier. There was discussion of the various agencies at the Extension that use this copier. Commissioner Palmer moved to approve the purchase of a reconditioned copier for the Extension Office and requested to check with the Extension Office and determine if any agencies using the copier reimburse the County and for copies and for them to monitor usage of the copier. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PROSECUTOR'S ANNEX

John Ayers reported the Prosecutor's Annex, located at 60 South Jefferson Street, has excessive water damage

from the snow melt entering the offices. The water is saturating the ceiling tiles and carpet and flooding the floor and stated the furnace, water heater and phone/computer equipment are in imminent danger of sustaining damage from the water and falling ceiling material. Mr. Ayers further stated they are taking steps to immediately relocate some of the office items to the Multiplex and that depending on the extent of the damage, further relocation may be required. He presented a letter to owner/landlord Donald Wright referencing the lease agreement of April 11, 2008 that it is the owner's responsibility to maintain the roof, exterior and "structural integrity" of the building. John Ayers stated he is working with the owner, Don Wright, and Prosecutor Pat Baldwin to resolve this excessive water problem.

IN THE MATTER OF IACC

Commissioner Palmer acknowledged receipt of a call from Rick Hall, Barnes & Thornburg, on behalf of the Indiana Association of County Commissioners (IACC) relative to the upcoming legislation to change the structure of County government and encouraged the support of everyone for the meeting with legislators on February 4, 2009 to discuss this matter.

Receipt was acknowledged of a fax from the Indiana Association of County Commissioners with an IACC Legislative Survey regarding elected officials. The Commissioners were encouraged to complete and return this survey.

Receipt was acknowledged of correspondence from IACC requesting information for the 2009 IACC Directory. The Commissioners made several corrections on the form and agreed to list their cell phones, but to remove their home phones numbers.

IN THE MATTER OF SHERIFF'S DEPARTMENT

Receipt was acknowledged of the 2008 Sheriff's Activity Report and the 2008 Hendricks County Sheriff's Department Annual Jail Report from Sheriff Dave Galloway.

There was discussion about security. It was the consensus of the Commissioners for Mike Graham to set up a meeting with Sheriff Galloway to discuss security in County buildings.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the January 26 to January 30, 2009 Highway report from Martin Summers, Highway Superintendent.

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the January 15, 2009 Weights and Measures report from Charles Colbert, Weight

Commissioner Wathen moved to adjourn the Commissioners' meeting at 11:15 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

David A. Whicker, President

Phyllis A. Palmer, Vice President

Eric L. Wathen, Member

ATTEST: _____
Judith Wyeth, Deputy Auditor
