

August 4, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, August 4, 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)	
Gregory E. Steuerwald		Hendricks County Attorney
Gail Brown		Hendricks County Assessor
David Gaston		Hendricks County Surveyor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
James McBryant		Administrator Cypress Manor
Judith Wyeth		Secretary to the Commissioners

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

IN THE MATTER OF BIDS

Commissioner Whicker announced it was 9:30 AM and the Notice to Bidders for Bridge No. 188 had stated all bids would be received by 9:30 AM on Tuesday, August 4, 2009 in the Commissioners' Meeting Room. Commissioner Palmer moved to close bids for Bridge No. 188. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF MINUTES

Commissioner Wathen moved to approve the minutes of July 28, 2009 as corrected. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims #197237 thru 197269, #196877 thru 197190, #093887 thru 094013 and Direct Deposit #050994 thru 051380, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BRIDGE NO. 188

John Ayers opened and read the five bids received for Bridge No. 188, located on CR 0 south of US 40, as follows:

George Harvey & Son	\$186,206.15
CLR Inc.	195,264.75
H. E. Henderson	163,958.92
Trisler Construction Company	176,382.12
Cavalier Civil Construction	191,000.00

It was the consensus of the Commissioners for John Ayers and his staff to review the five bids received and bring back a recommendation in one week.

Commissioner Wathen reported he and Cinda Kelly, Executive Director Economic Development, had attended a meeting with a potential developer at Exit 59 and the developer is very interested in locating in Hendricks County. John Ayers reported they are currently working on the entrance and building location for this developer at Exit 59.

Commissioner Whicker advised that during the Regional Sewer Board meeting earlier this morning they were informed Valenti-Held had bored under I-70 for the sewer lines and due to the rains they had requested and were granted an extension of time for a substantial completion date from August 1, 2009 to August 24, 2009.

Mike Graham reported we have a problem with a bill owed by Lauth and explained that as a part of the entrance drive improvements associated with Lauth's Westpoint Business Park, we entered into an agreement with INDOT to have some improvements constructed at the time of the SR 39 improvements. This prevents SR 39 from being torn up twice. The cost is \$400,000 and it is to be paid for by Lauth however, INDOT requires our name on the agreement. INDOT is demanding payment from us and we are not getting payment from Lauth. The bond money for the Lauth project is divided into two accounts, one for infrastructure improvements and another for capitalized interest. Mr. Graham stated there is no money left in the infrastructure account to pay the \$400,000, however, we could try to get the payment out of the capitalized interest account but the problem is Lauth would be entitled to recover additional TIF money to pay back the loss of the capitalized interest money. He stated if we do not claim the \$400,000 in the capitalized interest account we may lose access to it if Lauth includes Westpoint in their bankruptcy. A copy was presented of several emails between Bruce Donaldson, Barnes & Thornburg, and the County staff regarding this topic. John Ayers presented a draft letter to Lauth Group relative to their Westpoint Business Park project at Exit 59 addressing this issue and advising the beginning balance in the Construction Account of the Capital Fund was \$2,400,000 and deducting the original contract amount of \$2,249,000, with estimated net Change Order amount of \$107,259.37 and the required INDOT payments of \$400,000 leave a deficit of \$356,259.37. Additionally, there are \$6,500 in inspection fees owed to the Planning and Building Department, bringing the total amount owed to the County to \$362,759.37. There was discussion of setting a compliance date of August 15, 2009 and

this date be added to the letter. Commissioner Wathen moved to submit the letter to Lauth to take money from the account to pay the balance including the inspection fees and that payment be made by August 15, 2009 in the amount of \$362,759 .37. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. It was the consensus of the Commissioners to fax this letter to Lauth today and to send the original by registered mail with return receipt.

Commissioner Wathen inquired if the environmental wetlands at Exit 59 should be transferred to the County from the Hendricks County Regional Sewer Board. It was the consensus of the Commissioners for Attorney Greg Steuerwald to draft an agreement for this transfer of property for an easement for this mitigation area with ownership to remain with the Hendricks County Regional Sewer Board.

IN THE MATTER OF RONALD REAGAN PARKWAY

Commissioner Wathen stated they are still awaiting a response from Brownsburg relative to providing sewer service to the I-74 and Ronald Reagan interchange area.

In the area of US 36 John Ayers explained issues with the Right of Entry from CSX for the bridge over the tracks and stated this is required by INDOT before going to a letting for this bridge.

Commissioner Wathen advised there is a meeting scheduled with Brownsburg and INDOT this week and Brownsburg plans to ask INDOT to help pay for the portion of the Ronald Reagan Parkway instead of the proposed SR 267 improvements through the Town of Brownsburg. He stated he is checking with Laurie Maudlin, Appian, to determine if we should attend the meeting. It was the consensus of the Commissioners that Brownsburg should take the lead at this meeting with INDOT.

John Ayers advised he had met with INDOT on the paving design and they have agreed to use concrete from US 36 to CR 300N.

John Ayers presented the list of 11 firms that responded to the Requests for Proposals (RFP) for Bridge 127, to be located over the CSX tracks, and the 14 firms that responded for the Ronald Reagan Parkway for CR 200S to CR 100S. Commissioner Wathen requested the list be reduced to a short list of three and that they interview those three firms. It was the consensus of the Commissioners to do a short list of three firms for each project and for John Ayers to check and report back on the interview process.

IN THE MATTER OF JUDICIAL CENTER

There was a brief discussion of the report presented last week from the National Center for State Courts

(NCSC) for the organizational review of the circuit and superior courts and related agencies in Hendricks County. It was the consensus of the Commissioners for Steve Craney, Banning Engineering, to send this report to all members of the Judicial Center Advisory Committee.

Steve Craney, Banning Engineering, reported the next meeting of the Advisory Committee will be held on Thursday, August 13, 2009 at 7 PM in the Government Center.

IN THE MATTER OF ASSESSOR'S OFFICE – PTABOA COMPOSITION

Assessor Gail Brown presented a letter of August 4, 2009 stating in light of new legislation it has fallen on the Commissioners to change the structure of the Property Tax Assessment Board of Appeals (PTABOA) from a four member board to either a three or five member board and stated the Assessor can no longer serve as a member of the Board. She stated the Board will have members appointed by the Commissioners and members appointed by the Council and members must be from both political parties. Commissioner Wathen moved to allow the PTABOA to be made up of five members. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Assessor Brown recommended appointing Gordon McIntyre and Ronald Faulkner, both Level 2 certified Assessor-Appraisers by the State of Indiana, and also recommended Gene Ploughe, a licensed real estate broker for the Commissioners' appointees to a five member board with the remaining two members of the board to be appointed by the Council. She noted that Mr. McIntyre and Mr. Ploughe would serve as the Republicans on the board and Mr. Faulkner would serve as the Democrat on the board. Commissioner Wathen moved to appoint the three members, Gordon McIntyre, Ronald Faulkner and Gene Ploughe, to serve on the Property Tax Assessment Board of Appeals (PTABOA), as recommended by the County Assessor, Gail Brown. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DRAINAGE BOARD FEE ORDINANCE

Surveyor David Gaston presented an amended Drainage Board and Erosion Control Uniform Fee Schedule to increase fees and explained the changes. He requested to advertise the amended fee schedule for a public hearing on Tuesday, September 1, 2009. It was the consensus of the Commissioners to advertise the amended Drainage Board and Erosion Control Uniform Fee Schedule for a public hearing on Tuesday, September 1, 2009, as requested by the County Surveyor.

IN THE MATTER OF GARDEN PLOTS

Mike Graham reported there is a committee associated with the Town of Danville assigned the task of trying to develop 10 x 10 garden plots to be used by the citizens. He explained the Town would require the citizens to sign an agreement and to abide by specific rules and regulations and the Danville Parks Department would prepare the plots and make them available for the 2010 gardening season. He stated they need some land for this project and think the Government Center East Campus would be ideal. Danville is seeking conceptual authorization at this point. Mr. Graham asked the Commissioners if they would like to have Laura Parker with Danville to make a formal request or if they wanted him to work out the details and bring it back? It was the consensus of the Commissioners for Mr. Graham to obtain additional information on this request and bring back for consideration.

IN THE MATTER OF EMPLOYEE PERFORMANCE REVIEWS

Mike Graham explained there was discussion last week if the performance reviews were to be done all at one time or on the anniversary date of the employee's hire as the procedures state the reviews are to be done on the anniversary date. He stated when the performance review notice was sent on June 2, 2009 it stated that reviews were to be done on the anniversary date but asked elected officials and department's heads to go back and do the reviews for employees with anniversary dates between January 1, 2009 and June 2, 2009. Mr. Graham reported that since that announcement HR has worked with several departments and agreed with them to not do the catch-up and to simply start the reviews next year for those employees with their anniversary date from January 1 to June 2, 2009.

IN THE MATTER OF ANIMAL CONTROL - SATURDAY HOURS

Mike Graham responded to the Commissioners' earlier request on activity during Saturday hours at the Animal Control and stated it has been open on 10 Saturdays and reported they have had 99 citizens visit the facility with a total of 9 adoptions. There have been 14 owners who have surrendered animals and 8 of the 14 have paid to put the animal down. Mr. Graham reported a total of 5 owners have claimed their animals that have been picked up by an animal control officer and during the month of July there have been a total of 51 adoptions and none have been adopted on Saturday. He also stated there are three officers that operate the facility on a Saturday. It was noted Ms. Lewis will include information regarding Saturday hours in her next quarterly report. It was the consensus of the Commissioners to continue to monitor the Saturday hours at the

Animal Control facility.

Commissioner Palmer moved to recess the Commissioners' meeting for the Tech Board at 10:30AM.
Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker opened the Tech Board at 10:31 AM.

IN THE MATTER OF TECH BOARD

Commissioner Whicker announced he had received information from John Parsons, Systems Administrator, that he had nothing to bring before the Tech Board today.

Commissioner Palmer moved to adjourn the Tech Board at 10:32 AM. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker reconvened the Commissioners' meeting at 10:33 AM.

IN THE MATTER OF CONSERVATION CLUB

Mike Graham referenced last week there was talk about revoking the Conservation Club lease including talk about the shooting range and there was a belief that by revoking the lease we could have some impact on the shooting range. He reported that by revoking the lease it would have zero impact on the shooting range because no part of the range is on County property and provided an aerial photograph showing the location of the shooting range. He stated the only improvements on the County property are a portion of the lake and the entire dam and the only way to force the issue would be to bill the Conservation Club for neglect of the dam and then through some type of legal action force them to sell the land so we could have money to fix the dam. Greg Steuerwald gave several options for consideration. No action was taken at this time.

IN THE MATTER OF GIS

Mike Graham advised we are interviewing three firms on August 25, 2009 to evaluate who hosts our GIS web site. He stated the firms are The Schneider Corporation, 39 Degrees North and WTH Engineering with interviews from 1:00 p.m. thru 4:00 p.m. Mr. Graham stated Commissioner Wathen is the Commissioners' representative for the interviews.

IN THE MATTER OF PAVEMENT MARKING PROJECT

John Ayers presented the 2009 Hendricks County Pavement Marking Project Bids and read the following:

Ogelsby Construction	\$ 65,390.41
Indiana Sign and Barricade, Inc.	\$ 96,200.32
Highway Technologies	\$ 57,474.96

Mr. Ayers recommended awarding the bid to Highway Technologies as they were the lowest bid received.

Commissioner Wathen moved to approve and accept the Highway Technologies bid for pavement marking as

the lowest most responsible and responsive bid received. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF GOVERNMENT CENTER

John Ayers explained the replacement entry mats in the Government Center and the upgrade in replacement carpet in the Government Center was an additional \$48,140.00 from Steelcore Construction Co., and presented Change Order No. 001 for this addition and upgrade. Commissioner Wathen moved to approve Change Order No. 001 with Steelcore Construction for entrance mats and upgrade of carpet in the Government Center in the amount of \$48,140.00, and authorize the President to sign on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

John Ayers stated they will be starting the replacement of windows in the Government Center this week and they have placed large containers in the parking lot during this time of replacement.

IN THE MATTER OF RAILROAD CROSSINGS REPAIR

John Ayers explained he had met with representatives of CSX to repair three railroad crossings in Hendricks County, north of Brownsburg. He stated the railroad preferred to close all three roads at once while they work on them and explained he is working with them as he preferred closing roads to repair the three crossings at different times for better traffic flow.

IN THE MATTER OF MPO

John Ayers gave a brief update on some proposed changes to the composition of the Metropolitan Planning Organization (MPO) and the voting privileges of members of the board.

IN THE MATTER OF WASHINGTON TOWNSHIP PARK

John Ayers reported the Avon Plan Commission approved the Washington Township Park last week.

Last week the Commissioners appointed Karl Buetow to serve on the Wage Hearing Committee for the Washington Township Park Community Center and it was noted that Mr. Buetow had been contacted and has agreed to serve in this position. The Wage Hearing will be held on Monday, August 20, 2009 at 8:15 AM in the Government Center.

IN THE MATTER OF BRIDGE NO. 188

John Ayers explained some farmers have expressed concerns on having Bridge No. 188, located on CR 0 south of US 40, closed during fall harvest and inquired if the date could be moved back to allow time to move fall crops in the area. It was the consensus of the Commissioners for John Ayer to check the specs for the time

frame and report back on this concern.

IN THE MATTER OF CYPRESS MANOR 2010 BUDGET

James McBryant stated they were working to reduce the 2010 Cypress Manor budget and explained some possible alternatives. He stated he will follow up after his presentation to the Council.

IN THE MATTER OF STATEMENT OF WAGES

Receipt was acknowledged of the 2009 Statement of Wages presented by Auditor Cinda Kattau at the meeting on July 28, 2009. It was the consensus of the Commissioners to accept the 2009 Statement of Wages as presented.

IN THE MATTER OF THE TOWN OF DANVILLE - ALARMS

Receipt was acknowledged of three Ordinance Violation Notices for Ordinance No. 44-1998, Alarm Systems, for 3rd alarm response in the amount of \$25, 4th alarm response in the amount of \$50 and 5th alarm response in the amount of \$80 from the Town of Danville. All three violations are at the Courthouse during 2009, for a total of \$155.00. John Ayers explained these alarms go off during storms, power outages, etc. and stated there is no charge for the first two false alarms. It was the consensus of the Commissioner for Mike Graham to talk with the Town of Danville on these billings and on the alarms.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. IDEM, Office of Water Quality, Facility Construction has received a sewer permit application from Real America Development, TTC for the construction of East Main Apartments in Danville, IN.

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Action needed/taken on the following:

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1. Checks received and signed to the county:
 - a. Governmental Interinsurance exchange Vehicle Damage \$150.00
 - b. Governmental Interinsurance exchange Vehicle Damage \$1864.72
 2. Whicker signed vehicle titles for the following:
 - a. 1990 Dodge Pick Up Highway Department
 3. Documents needing action: None

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the July 27 through July 31, 2009 Highway report from Martin Summers, Highway Superintendent.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the July 27 through July 31, 2009 Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF BRANCHES SUBDIVISION

Receipt was acknowledged of a letter from Steuerwald Zielinski & Witham relative to a request for forfeiture of the bond for Branches Subdivision.

IN THE MATTER OF 2010 COMMISSIONERS' BUDGET

Receipt was acknowledged of a memo from the Council requesting that due to the economy all budgets be reduced 20%. A revised budget changes for the Commissioners' 2009 and 2010 budget was presented with reduction to the 2009 budget in the amount of \$124,000 and the 2010 budget reduced in the amount of \$625,104 for a total reduction of \$749,104 for a 17.1% reduction overall. There was discussion of the reduced changes and of the requested 2010 budget. Commissioner Wathen moved to go with the projected reduction in the 2009 and 2010 budget and take to the Council in the spirit of cooperation. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Wathen moved to adjourn the Commissioners' meeting at 11:30 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
