

October 6, 2009

The Hendricks County Board of Commissioners met in regular session at 9:35 AM on Tuesday, October 6, 2009, with a quorum of all 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)	
Tyler Starkey		Acting Hendricks County Attorney
Cinda Kattau		Hendricks County Auditor
Michael E. Graham		Administrator to Commissioners
James Andrews		Hendricks County Assistant Engineer
Monica Smith		Hendricks County Director of Nursing
Sarah Thompson		Hendricks County Public Health Preparedness
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 Wathen moved to approve the minutes of the September 22, 2009 meeting, 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 #198498 thru 198518, #198519 thru 198521, #198872 thru 198893, #198931 thru 198954, #198522 thru 198862, #094473 thru 049594 and direct deposit #052176 thru 052599, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

Commissioner Wathen advised the sewer installation at Exit 59 is continuing and they will be completed by November 1, 2009.

Commissioner Wathen stated it continues to look positive for a new development on the Kite property located at Exit 59.

Mike Graham explained Lauth is working on the utility easement. Mr. Graham also referenced the letter from Greg Guerrettaz, Financial Solutions Group, and explained the possible time frame and cost. Commissioner Wathen directed Mr. Graham to check on the charges for the services of Mr. Guerrettaz on the Bond Anticipation Note (BAN) for the Kite TIF.

Mike Graham stated he has notified Lauth that the County would not waive reimbursement required from Lauth for future connection to the water line.

Commissioner Wathen stated he had received an email from Kite relative to how the \$300,000 infrastructure grant from the IDEC (Indiana Economic Development Commission) would be spent for the Center Line project. By consensus the Commissioners agreed to commit the grant money and any surplus of the \$600,000 committed for water service to pay for public infrastructure improvements such as roads or drainage.

IN THE MATTER OF RONALD REAGAN PARKWAY

Jim Andrews stated this week they expect to receive the CSX deeds for the right-of-way along the Ronald Reagan Parkway

IN THE MATTER OF JUDICIAL CENTER

Commissioner Whicker stated the next meeting of the Advisory Committee for the judicial center will be held in the Government Center on Thursday, October 15, 2009 followed by another one on November 5, 2009.

IN THE MATTER OF HENDRICKS COLLEGE NETWORK

Commissioner Whicker acknowledged that during the annual dinner meeting of the Hendricks College Network that Hendricks County Government received the Education Champion Award from the Hendricks College Network in recognition of their support of providing continued education opportunities for Hendricks County citizens. He stated this award would be placed in the display case in the Government Center.

IN THE MATTER OF COUNTY RECOGNITION

Commissioner Whicker announced County Engineer John Ayers had been recognized as the Outstanding County Engineer in Indiana by the Indiana Association of Counties (AIC) during their annual conference last week in French Lick, Indiana. Commissioner Whicker also announced that Treasurer Nancy Marsh had received a lifetime diploma during the AIC Annual Conference. Commissioner Palmer expressed appreciation to the Hendricks County Staff for their outstanding dedication in serving as various officers in the state and commended them for being an excellent team to work with.

IN THE MATTER OF NURSING HEALTH – H1N1

Monica Smith gave an update on the H1N1 flu prevention including the plans for receipt and distribution of the H1N1 flu vaccine and of the vaccination process in Hendricks County for the next few weeks for CHIRP (Children and Hoosiers Immunization Registry Program).

Monica Smith presented a contract with Preferred Home Health Care-Vincennes, Inc. d.b.a. Wabash Valley Home Care Vaccination Contract to provide nurses for the administration of the H1N1 vaccine for public health clinics and recommended acceptance of Option B “*in the event Facility chooses Agency to do data entry for CHIRP; Facility will pay the Agency \$8.00 for administration per H1N1 vaccination*”. Ms. Smith clarified the H1N1 vaccine and vaccinations would all be at no cost to the County as the Federal Government is funding all vaccine, supplies and administration of the H1N1 vaccine. Mike Graham stated Attorney Greg Steuerwald has reviewed this contract. Commissioner Palmer moved to approve the Home Care Vaccination Contract and selecting Option B of the contract with Preferred Home Health Care to pay \$8 for administration per H1N1 vaccination 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.

Monica Smith presented a contract with Preferred Home Health Care-Vincennes, Inc. d.b.a. Wabash Valley Home Care Vaccination Contract providing nurses to administer the H1N1 vaccinations in schools for \$40.00 per hour per Wellness Clinic to begin November 2009. Mike Graham stated Attorney Greg Steuerwald has reviewed this contract. Commissioner Palmer moved to approve the contract with Preferred Home Health Care to administer the H1N1 vaccine for Hendricks County Schools for \$40.00 per hour 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.

Monica Smith presented the Kelly Services Customer Services Agreement for administrative services for the data of the H1N1 vaccinations within the required time frame. Mike Graham stated Attorney Greg Steuerwald has reviewed the service agreement with Kelly Services. Commissioner Palmer moved to approve the Kelly Services Agreement to handle the paperwork required for the H1N1 vaccinations 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. Monica Smith stated they plan for the staff of Kelly Services to use Room #6 in the Government Center during this process.

IN THE MATTER OF ORDINANCE NO. 2009-28
WATER QUALITY SPECIAL REVENUE FUND FOR PUBLIC EDUCATION AND
OUTREACH (MCM 1) PUBLIC PARTICIPATION AND INVOLVEMENT (MCM 2) ORDINANCE

Commissioner Whicker announced a public hearing for the Water Quality Revenue Ordinance had been duly advertised for 9:30 AM and it was now 10:10 AM. He opened the public hearing for this proposed ordinance. Auditor Cinda Kattau stated this ordinance is to keep these funds in-house. There was no public comment. Commissioner Whicker closed the public hearing. Commissioner Wathen moved to approve and adopt the ordinance for Water Quality Special Revenue Fund for Public Education and Outreach, Public Participation and Involvement as Ordinance No. 2009-28. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RESOLUTION NO 09-12
RESOLUTION VACATING A PUBLIC STREET CR 650S BETWEEN CR 450W & CR 471W

Commissioner Whicker announced a public hearing for the vacation of a public street, CR 650S between CR 450W and CR 471W, had been duly advertised for 9:30 AM and it was now 10:15 AM. Commissioner Whicker opened the public hearing for this proposed ordinance. There was no public comment. Commissioner Whicker closed the public hearing for this ordinance. Commissioner Wathen moved to adopt the resolution to vacate a portion of CR 650S, between CR 450W and CR 471W, as presented, as Resolution No. 09-12. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DOMESTIC VIOLENCE FATALITY REVIEW TEAM

Prosecutor Pat Baldwin provided a list of appointments for the Hendricks County Domestic Violence Fatality Review Team including suggested appointees that have agreed to serve, that is pursuant to Ordinance 2009-25, approved by the Commissioners on September 15, 2009. Pat Baldwin had advised this list is for the consideration of the Commissioners for final appointment and the term of these appointments is to begin October 1, 2009. Commissioner Wathen moved to approve the list provided by Prosecutor Pat Baldwin of appointees to serve on the Hendricks County Domestic Violence Fatality Review Team of: Section 3 including (a) all of the following 8 categories:

- (A) A survivor of domestic violence, Lori Bennett, Danville In
- (B) A domestic violence direct service provider, Maria Larrison, Sheltering Wings
- (C) A representative of law enforcement, David Galloway, Sheriff, Hendricks County IN
- (D) A prosecuting attorney, Patricia Ann Baldwin, Hendricks County
- (E) A deputy coroner, Christi Patterson, Lizton, Hendricks County
- (F) A medical practitioner with expertise in domestic violence, John Sparzo, MD, Hendricks Regional Health

(G) A judge who hears civil or criminal cases, The Honorable David H. Coleman, Hendricks Superior Court No. 2

(H) An employee of a child protective services agency, Rhonda Allen, Director, Hendricks County Office DCS

(b) not more than 7 members out of 11 categories

(1) a clergy member, Rev. Donald Campbell, Danville Christian Church

(3) a representative from Hendricks County Health Department, Jennifer Hill

(5) a defense attorney, Tyler Starkey

(7) a probation officer, Todd McCormick, director, Hendricks Superior Courts Probation

(8) a representative of the business community, John Flood

(10) an attorney, Georgeanna Tiepen

(11) a provider of a batterers intervention program, Eric Wood, MA, Pro-Active Resources

Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DANVILLE OLD TOWN HALL

Mike Graham reported he has talked with Gary Eakin, Danville Town Manager, regarding the County leasing the old Town Hall for the Prosecutor's Office. and advised Danville wants \$300,000 to lease the space for a five year period and at the end of the lease the property would belong to the County. He noted the critical decision for the County is whether or not we want to end up owning the property. Mr. Graham stated we do have an immediate need of finding a facility for the Prosecutor but the longer term question is will a new judicial center be built downtown or at the Government Center East Campus and entering in to this proposal it makes the East Campus option less viable. He also stated Prosecutor Pat Baldwin has pledged \$20,000 to help pay for remodeling the space and she would consolidate the drug task force to the new facility eliminating their current annual rent of \$12,312. There was discussion if the space currently rented by the County for the Juvenile Probation would be included in this figure and if so it would also eliminate the monthly rent of this space. It was the consensus of the Commissioners for Mike Graham to check with Danville on the exact property they include in their lease/purchase proposal and to go to Council for funding.

IN THE MATTER OF ANIMAL CONTROL

Mike Graham explained that in an effort to increase animal adoption, Mary Ann Lewis, Chief Animal Control Officer, would like to establish a Facebook page for Animal Control. He stated it is a low cost opportunity to help get the message out regarding adoption. It was the consensus of the Commissioners to acknowledge Mary Ann Lewis establishing the Facebook page to increase adoption.

Auditor Cinda Kattau presented a renewal form for Drug Enforcement Agency (DEA) for the animal control and stated it was returned as it required the signature to be of an authorized official. Commissioner Wathen moved to approve the renewal for Drug Enforcement Agency (DEA) for the animal control 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.

Receipt was acknowledged of the quarterly Animal Control Report for July 1 - September 30, 2009, provided by Chief Animal Control Officer, Mary Anne Lewis.

IN THE MATTER OF VEHICLES

Mike Graham reported we have a significant problem with the lack of maintenance on the civilian fleet and

stated the Civilian Fleet Committee has talked about this problem. He provided a memo explaining a proposed solution for consideration. It was the consensus of the Commissioners to have a discussion with the Council on the proposed maintenance policy for the civilian fleet and funding.

Commissioner Wathen moved to recess the Commissioners' meeting for the Tech Board at 10:37 AM. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker opened the Tech Board at 10:38 AM with Doug Morris, Systems Administrator, joining the meeting.

IN THE MATTER OF TECH BOARD

Doug Morris presented a bill for the XSoft software for the Assessor in the amount of \$44,000 and stated he does not have funds in the Computer budget to cover this entire bill. He did state he can fund all but around \$18,400 from the Computer budget and asked for the Commissioners to fund this remaining portion. It was noted that a check of the Special Contracts line in the Commissioners' budget could be available to fund the balance, at this time. Commissioner Wathen moved to approve the payment of the balance of the XSoft maintenance contract for the Assessor from the Commissioners' Special Contract line, not to exceed \$20,000. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

Doug Morris presented the revised individual contract for archiving County record books. Mike Graham explained the changes in this contract for John Parsons to archive Hendricks County old books and records and stated Attorney Greg Steuerwald has reviewed this contract for archiving. Mr. Morris stated the Computer Department has funds in both their 2009 and 2010 budget for this archiving. Commissioner Wathen moved to approve the contract with John Parsons for archiving County records 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.

Commissioner Palmer moved to adjourn the Tech Board at 10:55 AM. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Commissioner Whicker reconvened the Commissioners' meeting at 10:56 AM.

IN THE MATTER OF CULVERT FR-059

Jim Andrews presented Change Order No. 1 for Culvert FR-059, located on CR 450W in Franklin Township, and explained this is for a reduction of \$40,910.80 as the engineer, Crawford, Murphy & Tilly, and contractor, Trisler Construction Company, have revised the plans to replace this culvert on site rather than replace with a precast culvert, therefore, reducing the cost of this project. Commissioner Palmer moved to approve Change Order No. 1 to replace Culvert FR-059 on site rather than a precast culvert and reduce the cost by \$40,910.80.

Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CR 300N - NO PARKING

Jim Andrews stated he had received complaints about trucks parking on CR 300N between 10700 E CR 300N and 10770E CR 300N near Raceway Road causing visibility problems and requests for this area be posted with a "No Parking" sign. He requested to advertise for a public hearing for this No Parking area. It was the consensus of the Commissioners to advertise for a public hearing on November 3, 2009. for a No Parking area on CR 300N

IN THE MATTER OF SR 39 –UNOFFICIAL DETOUR

Jim Andrews presented the following requests from Indiana Department of Transportation (INDOT) for five unofficial detours due to the closure of SR 39 for installation of small structure replacements over tributary to West Fork White Lick Creek. He stated these are expected to be let October 2010 and to begin construction in spring 2011 as follows:

- Located 1.35 mile south of US 36, Des. #0405933 detour to follow US 36, SR 75 & US 40
- Located 2.46 miles south of US 36, Des. #0401328 to follow US 36, SR 75 and US 40
- Located 3.92 mile south of US 36, Des. #0401329, to follow US 36, SR 75 & US 40
- Located 1.62 mile south of US 36, Des. #0401327 to follow US 36, SR 75 & US 40
- Located 2.00 miles south of US 36, Des. #0300387 to follow US 36, SR 75 & US 40

Commissioner Wathen moved to approve the five unofficial detours for the replacement of small structures on SR 39 over the tributaries to West Fork White Lick Creek for the time frame, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF B&O TRAIL

Jim Andrews stated they are waiting on receipt of the deeds and soil tests for the purchase of land from CSX for the B&O Trail through Hendricks County

IN THE MATTER OF ROAD REPAIR - REX PIPELINE

Jim Andrews advised they will be meeting on Friday, October 10, 2009 with representatives of REX (Rockies Express) Pipeline to discuss the repair of County Roads damaged during construction of the gas pipeline that recently went through Hendricks County.

IN THE MATTER OF COMMUNICATIONS CENTER – FUNDING

Mike Graham responded to the Commissioners' direction during the September 22, 2009 meeting to seek support from the County Council for the Local Option Income Tax (LOIT) to fund the Hendricks County Communications Center and presented a draft letter to the County Council seeking their support. He also presented a draft letter to the Hendricks County State Senator and State Representatives seeking their support for allowing a LOIT option. It was the consensus of the Commissioners to sign this letter and proceed to take to Council for their support.

IN THE MATTER OF COURT HOUSE SECURITY

Mike Graham referenced the September 21, 2009 letter received from Sheriff David Galloway listing recommendations on providing additional security at the Court House. Commissioner Palmer stated if these recommendations were adopted would we be able to reduce the security staff at the Court House. It was the consensus of the Commissioners to discuss this matter with the Sheriff and the Courts.

IN THE MATTER OF AFFIDAVIT EQUIABLE SHARING AGREEMENT - PROSECUTOR

Receipt was acknowledged of an Affidavit Equitable Sharing Agreement from Prosecutor Pat Baldwin with a request for the Commissioners to sign the Affidavit – Existing Participant. Commissioner Wathen moved to approve the Affidavit Equitable Sharing Agreement for the Hendricks County Prosecuting Attorney, as requested by the Prosecutor, 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.

IN THE MATTER OF SHREDDING

Auditor Cinda Kattau reported Superior 4 Judge Mark Smith had inquired the cost to shred/destroy old documents and that she has checked the cost with Ray's Trash and Shred-It to shred old documents for disposal at various County buildings. Commissioner Wathen requested Ms. Kattau to talk further with Ray's Trash on a quote as they are currently picking up the County's other solid waste disposal and bring back a cost and to determine which buildings would be interested in this service.

IN THE MATTER OF CENTRAL PURCHASING

Auditor Cinda Kattau advised she has requested her First Deputy Angie Bennett to check on the feasibility of central purchasing for the County.

IN THE MATTER OF REAL ESTATE TAXES

Auditor Cinda Kattau reported they have received the values from the Assessor and they should have taxes out on schedule in 2010.

IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the September 15, 2009 Weights and Measures Monthly Report from Charles Colbert, Weights and Measures Inspector.

Charles Colbert advised he has moved the weights and measures equipment he had stored in the Expo Building to a storage building at the new fairgrounds.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. FEMA Revalidated Letters of Map Change for Hendricks County, IN for the National Flood Insurance Program
2. IDEM, Office of Air Quality, Notice of Decision-Approval, Steel Dynamics, Inc.
3. IDEM, Office of Air Quality, Notice of Decision-Approval, Steel Dynamics, Inc.-Engineered Bar Products Division, Administrative Amendment to Significant Source Modification.
4. IDEM, Office of Water Quality, Facility Construction and Engineering Support Section, Plans and Specifications for Koger Subdivision, application denied due being incomplete.

Action needed/taken on the following:

1. Checks received and signed to the county:
 - a. Governmental Interinsurance Exchange \$813.20 Vehicle Damage
 2. Whicker signed vehicle titles for the following: None
 3. Documents needing action: None
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IN THE MATTER OF TORT CLAIM – RANDALL & JONATHAN EWING

Receipt was acknowledged of a Tort Claim from the Nunn Law Office on behalf of Randall Ewing, as parent and natural guardian of Jonathon Ewing, a minor, and Jonathon Ewing for incident of June 24, 2009. The original has been hand delivered to Stevenson-Jensen Agency and a copy faxed to Attorney Greg Steuerwald.

IN THE MATTER OF EMPLOYEE CHRISTMAS LUNCHEON AND SERVICE AWARDS

There was question regarding the employee Christmas luncheon and of employee service awards. It was the consensus of the Commissioners to add the discussion of employee Christmas luncheon and service awards to the October 13, 2009 agenda.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the September 28 to October 2, 2009 weekly Highway report from Martin Summers, Highway Superintendent.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the September 21 through October 2, 2009 weekly Human Resources report from Ron Love, Human Resources Director.

IN THE MATTER OF CALENDAR

Commissioner Whicker announced the following upcoming meetings:

The Redevelopment Commission has a regular scheduled meeting set for Wednesday, October 7, 2009 at 7 PM in the Government Center to further discuss Heartland Crossing.

The Council will meet at 2 PM on October 8, 2009 followed by the joint meeting of the Commissioners and Council at 3:30 PM on that date.

All County offices will be closed Monday, October 12, 2009 in observance of Columbus Day.

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

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