

September 9, 2008

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, September 9, 2008 with a quorum of two (2) 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
Cinda Kattau		Hendricks County Auditor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
James McBryant		Cypress Manor Administrator
Martin Summers		Hendricks County Highway Superintendent
Don Reitz		Hendricks County Planning Director
Wayne Marsh		Hendricks County Garage Supervisor
Bill Hahn		Hendricks MS4 Director
Jerry Sparks		Hendricks County Assistant Highway Superintendent
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 September 2, 2008, as corrected. Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF CLAIMS

There were no claims presented.

IN THE MATTER OF JUDICIAL CENTER

John Ayers stated he had met with representatives from Banning Engineering and Arc Design to discuss the study for the judicial center and advised they were extending the time to Friday, September 12, 2008 to submit comments on the Preliminary Hendricks County Judicial Space Needs Study - Phase One. Mr. Ayers questioned when the final report should be presented. It was the consensus of the Commissioners to present the final report on the judicial center needs to the Joint Commissioners and Council meeting on Thursday, October 9, 2008 at 4:00 PM.

Commissioner Wathen arrived at the meeting at 9:40 AM.

IN THE MATTER OF WORK RELEASE CENTER

John Ayers reported on the current status of providing cable TV to the work release center and advised Comcast is currently a State franchise and is no long a County franchise, therefore, they no longer provide free installation and service to County buildings. He stated they are exploring charges to install and provide this service and are also checking with satellite dish providers for a comparison of costs for this service.

John Ayers stated they are planning to begin moving residents into the work release center this week.

IN THE MATTER OF ANIMAL CONTROL

John Ayers stated the staff for the animal control is moving into the new facility this week and the water lines will be installed in the cages next week and they will then begin moving the animals into the facility.

IN THE MATTER OF EXIT 59

Dennis Dechow, Lauth Development, presented for execution the Construction Management Agreement between Lauth Construction LLC and Hendricks County. Commissioner Palmer moved to approve the Construction Management Agreement between Hendricks County and Lauth Construction, subject to approval of the County Attorney. Greg Steuerwald stated he approved the agreement, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Dennis Dechow, Lauth Development, also provided a Letter of Credit from LaSalle Bank, Chicago, Illinois.

John Ayers stated they met with representatives from Gradex on September 5, 2008 and they have now started moving dirt at Exit 59 for Westpoint Business Park.

John Ayers advised they are continuing to work on the agreement with INDOT for SR 39 at Exit 59.

Commissioner Wathen advised that he, Greg Steuerwald, Bruce Donaldson and Mike Graham had met with representatives from Kite to discuss their Memorandum of Understanding (MOU) for their proposed project at Exit 59.

IN THE MATTER OF RONALD REAGAN PARKWAY

Commissioner Wathen announced they are meeting today with members of the Ronald Reagan Parkway Funding Task Force in the Government Center at 3:00 PM.

John Ayers stated Beam, Longest and Neff have requested an additional \$57,000 for additional work required by INDOT on the Ronald Reagan Parkway, however, he has talked with Beam, Longest Neff and they have agreed to reduce the amount to \$28,000 for this additional work. He stated that is a joint venture with Boone County with Boone County paying 46% and we need to wait until Boone County has approved these additional costs.

IN THE MATTER OF HIGHWAY

Martin Summers reported the Highway Department has been chip and sealing several County roads and they have always posted signs on the roads, however, this year several citizens have filed complaints that they have oil on their vehicles and expect the County pay to have the oil removed from their vehicles. Rich Jensen stated this is a no apparent negligence on behalf of the County as signs were posted by the Highway Department, but individuals can make claim to the County and let the insurance company make the final decision. There was discussion of posting the signs several days before the work begins. Rich Jensen requested to respond to the citizen complaints about oil on their vehicles. Commissioner Palmer stated she will respond to the email the Commissioners received from an upset citizen with oil on their vehicle.

John Ayers advised he and Martin Summers were exploring the Ford dealership property, located on East Main Street, as a possible relocation of the Highway Garage.

IN THE MATTER OF HIGHWAY SALT

Martin Summers advised he has purchased 200 ton of salt from Detroit Salt for \$77 per ton. John Ayers stated they received no quotes on their first request for quotes (RFQ) for salt and on the second request they received no response. John Ayers stated they are working with Indianapolis and the surrounding counties to obtain a group bid for Highway salt for this winter.

IN THE MATTER OF SNOW REMOVAL

There was discussion of the snow contractors for removal of snow on County roads. Jerry Sparks noted they now have additional trucks and have revised their road crews for snow removal. Martin Summers recommended renewing the contracts with the two contractors used last year for snow removal and to not seek a third contractor for this year. It was the consensus of the Commissioners to forward contracts for these two contractors for removal of snow for 2008 and 2009.

IN THE MATTER OF HIGHWAY VEHICLES

Wayne Marsh presented the lease with Navistar Financial for four new Highway trucks and stated that all Highway vehicles will be titled to the Commissioners. Commissioner Wathen moved to approve the Navistar Financial agreement for four new trucks for the Highway Department in the amount of \$426,958.65 and authorize the President to sign on behalf of the Commissioners. It was noted these trucks were previously approved by the Commissioners and this was the paper work for these trucks. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CYPRESS MANOR

James McBryant referenced the September 4, 2008 letter from the Washington Township Trustees Office referring Terry McLin to Cypress Manor and presented the completed application for admission. Mr. McBryant stated this individual meets the ARCH requirements. Commissioner Palmer moved to approve the application of this individual to Cypress Manor, as recommended by the Cypress Manor Director. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER CLEAN WATER – PITTSBORO

Bill Hahn presented the Memorandum of Agreement regarding cooperation and coordination of implementing 327 AC 15-13 (Rule 13) within Hendricks County between Hendricks County (through the Hendricks County partnership for Water Quality and the Town of Pittsboro, Indiana. Mr. Hahn stated this is the final of the five towns involved and that the Commissioners have already signed Memorandum of Agreements with Plainfield, Avon, Brownsburg and Danville. Commissioner Palmer moved to approve the Memorandum of Agreement with Pittsboro for Rule 13 and authorize the President to execute the document. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF PLANNING DEPARTMENT

Don Reitz requested the Commissioners to approve use of the Special Projects Fund through the Hendricks County Solid Waste to fund the clean up of two properties in Hendricks County. He indicated that one property is in Reno and one is located on CR 500E. There was discussion of the fire departments using these properties for training. Mr. Reitz stated the buildings have block walls and will need to be demolished and then cleaned up. The Commissioners stated that conceptually this is the proper use of the Special Projects Fund in the Solid Waste budget. It was the consensus of the Commissioners to allow use of the Hendricks County Solid Waste Special Projects Fund to clean up these two properties, as requested by the Planning Director.

IN THE MATTER OF PLANNING FEES

Don Reitz advised he will discuss raising the Planning Department fees at the Plan Commission meeting tonight, September 9, 2008, as they were last raised in 2004 and no longer reflect the cost of processing developments and plans. Mr. Reitz explained the process and options involved in raising these fees. The options were either to delegate fee setting to the Plan Commission as an administrative function or continuing with ordinances. Greg Steuerwald recommended amending the ordinance to change the fees. It was the consensus of the Commissioners to amend the ordinance to raise the fees in the Planning Department.

IN THE MATTER OF 56TH STREET

Mike Graham reported that once the executed agreement between Brownsburg and the County is completed for the 56th Street bond we need to move ahead on getting the bond issued. It was the consensus of the Commissioners to retain Greg Steuerwald and Bruce Donaldson as bond counsel for this project.

Greg Steuerwald reported on the Brownsburg Interlocal Agreement and stated that Jim Waggoner, Brownsburg Town Manager, is working with the Brownsburg Town attorney to resolve some issues and concerns and that we are awaiting their response.

IN THE MATTER OF SHERIFF'S RETIREMENT FUND

Mike Graham reported both the Council and Commissioners have asked the Sheriff to allow Greg Guerrettaz firm, Financial Solutions Group (FSG), to review the investment practices of McCready and Keene, the managing company for the Sheriff's retirement fund. He further reported he has been advised that Greg Guerrettaz has made a number of requests for investment information from McCready and Keene and has had no response. Mr. Graham stated Mr. Guerrettaz is going to get more aggressive in requesting the information. It was the consensus of the Commissioners for Mr. Guerrettaz to proceed to obtain the necessary information for review.

IN THE MATTER OF REEMPLOYMENT FOLLOWING RETIREMENT

Mike Graham stated he has talked to Tom Parker with the Indiana Public Employee Retirement Fund (PERF) about policies and recommendations they may have on the reemployment/retirement issue. Mr. Parker said PERF does not have a policy on this question, but he found it to be an important question and is asking for legal help to address it. He advised that any assistance they provide will not be a legal opinion and we would need our own attorney to craft any policy and stated that no one has previously asked this question.

IN THE MATTER OF CLINIC ALTERNATIVE

Mike Graham advised that Jeff Fox, our health insurance broker, has occasionally talked about a clinic option that some companies are using. He explained a company has a dedicated doctor that provides primary care to the employees and by establishing a clinic the doctor can directly dispense drugs rather than writing prescriptions and evidently, there are a lot of savings using this approach. Mr. Graham stated employees going to the clinic would pay little or no medical insurance premium and those not going to the clinic would pay higher premiums. Mr. Graham stated that Jeff Fox will arrange a presentation by Novia Careclinics and invite the towns of Avon, Brownsburg, Danville and Plainfield to attend. Mr. Graham also stated representatives from all the towns are planning to attend.

IN THE MATTER OF CONSERVATION CLUB DAM

Mike Graham reported Sycamore Services is doing a feasibility study of their needs and of a portion of the property around the Conservation Club Dam and we will wait for the completion of the study before moving forward with a proposed property swap.

IN THE MATTER OF MUSEUM

John Ayers reported the Town of Danville has installed cameras around town in an effort to deter and discourage vandals from spray painting graffiti on the Museum and other local businesses. Rich Jensen stated the Town of Danville has cleaned the graffiti off the exterior walls of the museum. It was the consensus of the Commissioners to wait and see if the Towns installation of cameras has an effect on the vandals.

IN THE MATTER OF BROWNSBURG

John Ayers stated the legal descriptions of the roads around the Wynne Farms development that Brownsburg had requested to annex into the Town that were presented by Brownsburg had some mistakes and they are making some corrections to these legal descriptions in order to clarify and correct the roads being annexed.

IN THE MATTER OF EXCESS PROPERTY

John Ayers stated there is a 0.08 acre remnant of a parcel purchased for the Ronald Reagan Parkway right-of-way, located on the east side of the Ronald Reagan Parkway and south of US 40 that can be offered for sale. He stated that he has had an adjoining property owner express an interest in this parcel. Commissioner Wathen moved to allow John Ayers to advertise this 0.08 acre parcel for sale. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

John Ayers advised the tenant that had been renting the pole barn, located at CR 1050E in the Ronald Reagan Parkway right-of-way, is moving and stated we had agreed to keep this building as long as it was rented. Mr. Ayers stated he has a party interested in moving the building or it could be demolished. It was the consensus of the Commissioners for John Ayers to check and compare prices to demolish this building..

IN THE MATTER OF CR 200W

John Ayers advised he had responded to the complaint about problems with the new pavement on CR 200W, and it was due to problems with the base and roadway underneath the new pavement in a very small area.

IN THE MATTER OF CR 500N AND CR 600E

John Ayers responded to a citizen's concerns for the intersection of CR 500N and CR 600E and advised there is an existing non-used utility pole that needs to be removed and an active utility pole that should be moved. Mr. Ayers stated they will work with the utility to remove the inactive pole and relocate the active pole to improve visibility at this intersection in the interest of public safety.

IN THE MATTER OF BAT HABITAT

John Ayers advised Plainfield is planning to replace a bridge that goes through the property owned by the Indianapolis International Airport that is designated as a bat habitat and is working with representative's from Fish and Wildlife for approval for this bridge replacement.

IN THE MATTER OF FIBER LINES

John Ayers stated the overhead fiber lines from the Courthouse to the County buildings east have trees and vines growing on them and they need to be removed as the weight of these vines can cause the lines to go down especially if covered with ice this winter. Mr. Ayers stated he is obtaining quotes for removal of these vines and trees.

IN THE MATTER OF UNITED WAY

Receipt was acknowledged of an email from Susie Friend, Hendricks County United Way Area Director, requesting permission to again place the large United Way thermometer sign on the north Courthouse lawn from September 10 to December 15, 2008. Ms. Friend advised the United Way goal this year is to raise \$900,000. It was the consensus of the Commissioners to allow the United Way sign to again be placed on the Courthouse lawn through December 15, 2008.

IN THE MATTER OF TRANSFERS

Several transfer letters were presented for consideration. Commissioner Wathen moved to approve and allow the

transfer of funds of \$36,000 from liability to utilities, \$6,000 from liability to solid waste removal and \$2,500 from telephone to overtime, and to execute the transfer letters. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EQUIPMENT

Commissioner Wathen questioned a claim presented for the purchase of several new printers for the Work Release Center. It was the consensus of the Commissioners for Mike Graham to talk with Bridgett Collins, Director Work Release Center, on the need of these printers.

IN THE MATTER OF GORDON GRAHAM AIRPORT

Commissioner Palmer announced that she and Commissioner Wathen had attended the Gordon Graham Airport open house and they were impressed with this Hendricks County facility and of the new small jet that will be utilizing the Gordon Graham Airport.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence and calendar:

Correspondence:

- 1. IDEM, Town of Brownsburg, Sanitary Sewer Permit Approval, Northwood Subdivision.
- 2. IDEM, Town of Brownsburg, Sanitary Sewer Permit Approval, Burns Highland Subdivision.
- 3. IDEM, Town of Brownsburg, Sanitary Sewer Permit Approval, Northern Acres Subdivision.
- 4. IDEM, Hendricks County WWTP Expansion Permit Approval
- 5. John Hardin Jr. Farms NPDES General Permit Renewal granted for 5 years.

Action needed/taken on the following:

- 1. Checks received and signed to the county: None
- 2. Whicker signed vehicle titles for the following:
 - a) 2006 Chevrolet Impala Sheriffs Department
 - b) 2005 Chevrolet Impala Sheriffs Department
- 3. Documents needing action: None

IN THE MATTER OF VETERAN’S AFFAIRS

Receipt was acknowledged of the August 2008 Veteran Service Officer’s monthly report form Lori Turpin, Veteran’s Service Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the Highway report for September August 29, 2008 thru September 4, 2008 from Martin Summers, Highway Superintendent.

IN THE MATTER OF PLANNING DEPARTMENT.

Don Reitz, Planning Director, provided the Planning and Building Department Report of Collections for August 2008.

IN THE MATTER OF ECONOMIC DEVELOPMENT PARTNERSHIP

Commissioner Palmer stated she had been advised there is a vacancy on the Executive Committee of the Economic Development Partnership and had been asked to fill this vacancy. It was the consensus of the Commissioners for Commissioner Palmer to serve on this committee on behalf of the County.

IN THE MATTER OF TAXES

Auditor Cinda Kattau stated DLGF has not established the due dates for the counties, but they are requiring two dates for payment of real estate taxes and stated she and Treasurer Nancy Marsh are looking at possible dates.

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
