

December 15, 2009

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, December 15, 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 )
- Gregory E. Steuerwald Hendricks County Attorney
- David Gaston Hendricks County Surveyor
- John Ayers Hendricks County Engineer
- Michael E. Graham Administrator to Commissioners
- Megan Morgan Hendricks County Jail Matron
- Todd McCormack Hendricks County Adult Probation
- Don Reitz Hendricks County Planning Director
- Judith Wyeth Secretary to the Commissioners

NOTE: Auditor Cinda Kattau did not attend this meeting.

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 December 8, 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 # 201174 thru 201180, as presented. Commissioner

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

IN THE MATTER OF EXIT 59

Commissioner Wathen stated the sewers at Exit 59 would be finished January 8, 2010.

Mike Graham explained if the water line goes through the Koger property at Exit 59 it will reduce the cost from \$582,000 to \$538,000. He plans to meet tomorrow, December 16, 2009, with the property owners and Veolia Water to discuss this option.

Mike Graham stated that he and Commissioner Wathen met with Kite representatives to discuss the issuance of a small TIF bond to help pay for Kite’s public infrastructure costs and that Kite would like the County to remove the 80% - 20% and agrees to a \$2.2 – \$2.3 million bond proceed amount. He listed five points of negotiation and stated in the last MOU, the Commissioners told Kite 80% of the TIF revenue could go to public infrastructure constructed by Kite and 20% would revert back to the taxing units like school and fire. This was when Kite was seeking a much bigger bond estimated at \$13 - \$17 million. Removal of the 80% - 20% split would allow more money for Kite to use. Also, they want to separate the bonds so one is purchased by Kite and one by the County. Mr. Graham stated we made a commitment to use any difference between the budget amount of \$620,000 for water service and the actual cost (the last cost estimate was \$582,649). There was discussion of the Kite requests. It was the consensus of the Commissioners for Commissioner Wathen and Mike Graham to meet with Kite on this proposed TIF and to: 1) Keep the 80/20%; 2) Secure separate bonds; 3.) A maximum bond amount for Kite 1.8 million and the County 1.3 million, 4) To work with the fire department and look at buying specific equipment that would serve the Centerline project; and 5) Take the difference between the water service budget amount of \$620,000 and actual cost for infrastructure improvements off the table.

## IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers advised he is working with INDOT and the State to set up a pre-construction meeting for the Ronald Reagan Parkway.

John Ayers reported he has sent a bill to the Town of Avon for paving of the Ronald Reagan Parkway from US 36 to CR 100N that is within the Avon Town limits.

Commissioner Wathen explained he had talked with Greg Zusan, Avon Town Council, and Mr. Zusan stated he would like to meet with the County officials to discuss the Ronald Reagan Parkway.

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## IN THE MATTER OF JUDICIAL CENTER

Commissioner Whicker stated the report of the Advisory Committee for the Judicial Center was presented at the joint Commissioners and Council meeting on December 10, 2009. It was the consensus of the Commissioners to remove the Judicial Center from the agenda.

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## IN THE MATTER OF GOV PARTNER

Don Reitz presented a request to purchase the GovPartner Request Partner and Code Compliance Module in the amount of \$65,200 plus \$10,000 for maintenance costs in 2011 and presented a handout explaining how citizen complaints could be filed and tracked. Megan Morgan explained the benefits of this program for the Sheriff's department. David Gaston stated this program would be a more efficient way of tracking the resolution of citizen complaints. Nicole Collisi explained the implementation process that would connect all departments and the information that could be obtained and shared. John Ayers stated this would have internal accountability system for building maintenance of County buildings. Commissioner Whicker stated this would be funded from funds within the Engineering, Planning, Sheriff and Surveyor departments. Don Reitz stated there would be training available for staff. It was the consensus of the Commissioners to support the GovPartner Request Partner and Code Compliance Module, for the County Attorney to review the contract and move forward with this program.

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## IN THE MATTER OF COMMUNITY CORRECTIONS

Todd McCormack provided several examples of resolutions and ordinances from other counties that could be modified for Hendricks County community corrections. He stated the resolution needs to be adopted before the Community Corrections Advisory Board could be appointed. It was the consensus of the Commissioners for Mike Graham and Greg Steuerwald to work on this resolution and bring back next week.

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## IN THE MATTER OF FLOODPLAIN MANAGEMENT PROBLEM

Mike Graham explained the Planning Department has a problem with the Federal Emergency Management Agency (FEMA) and Don Reitz and his staff are seeking the approval of the FEMA's Community Rating System. If approved the Hendricks County property owners' flood insurance premiums will be reduced. He stated as a part of obtaining the CRS, FEMA does a complete audit of the current floodplain management program in the County. The FEMA audit process found one house constructed 24 years ago that does not comply with the provisions of the floodplain management requirements. Mr. Graham explained the solution to the problem is to install nine flood vents in the residence's crawl space at a cost of approximately \$2,500. Mr.

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Reitz stated the property owner has been very cooperative during the discussion of the problem but does not want to pay the cost of installing the vents as he is not the original homeowner. Mr. Graham suggested we split the cost between the property owner and the County and have the problem go away. If the problem is not corrected we will not only jeopardize our participation in the CPS program but will jeopardize our participation in the current program. He presented the December 9, 2009 email from Don Reitz explaining the problem along with a copy of FEMA’s letter identifying the problem. Commissioner Wathen moved for the County to pay for the vent installation in this house, not to exceed \$2,500, from the Special Contracts line in the Commissioners’ budget. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Mike Graham and Don Reitz were to check on funding sources.

IN THE MATTER OF WHITE LICK CREEK STREAMBANK STABILIZATION

John Ayers stated he had been unable to contact the property owner for the White Lick Creek streambank stabilization project, located on CR 700N and west of SR 267 in Brown Township. He stated that due to this fact he would like to request the awarding of the bid for this project be continued until he can contact the property owner. It was the consensus of the Commissioners to continue the awarding of the bid for the Hendricks County White Lick Creek EWP Streambank Stabilization Project for the Nitu property in White Lick Creek until Mr. Ayers contacts the property owner.

Commissioner Palmer moved to recess the Commissioners’ meeting for the Tech Board at 10:30 AM. 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 opened the Tech Board and reported he had received word from Doug Morris, Systems Administrator, they had nothing to bring before the Tech Board today. Mr. Morris did send word that on December 16, 2009 he is planning to turn on the web filter for the internet and will send an email out to all employees advising of the new internet filter.

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 TOWN OF DANVILLE

Mike Graham welcomed Gary Eakin, Danville Town Manager, to the meeting. Mr. Eakin presented a letter to the Commissioners from Danville Town Council President Jeff Martin with a counter offer for the property on the square. The counter offer was for \$60,000 per year for seven years for a total of \$420,000. It was the consensus of the Commissioners to take this counter offer from the Town of Danville under advisement.

IN THE MATTER OF US CENSUS

Mike Graham stated President Whicker received an email from the US Census asking that a Census worker recruitment advertisement be posted on the County web page. It was the consensus of the Commissioners to approve the US Census to post the ad on the County web page.

IN THE MATTER OF EMPLOYEE HEALTH INSURANCE

President Whicker presented the Symetra Financial Excess Loss Alternate Reimbursement Endorsement

renewal for employee health insurance stop loss that Jeff Fox, H. J. Spier, presented to the joint Commissioner and Council meeting on December 10, 2009. Commissioner Wathen moved to approve and authorize the President to sign the Excess Loss Endorsement for employee health insurance, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF USE OF GOVERNMENT CENTER

Receipt was acknowledged of a request from Bob Kelley, Ivy Tech, to teach a Spanish conversational speaking class to employees of the Hendricks County Courts. This program is sponsored by the Indiana Judicial Center and will meet for six weeks on Tuesday and Thursday evenings from 4:30 to 6:30 PM beginning February 9, 2010 thru March 18, 2010. Mr. Kelley stated that Todd McCormack, Director Adult Probation, recommended using one of the meeting rooms in the Government Center for this training and Room #3 would be available for them on those dates and time. Commissioner Palmer moved to approve the use of Room #3 in the Government Center for Ivy Tech to teach a Spanish conversational speaking class to employees of the Hendricks County Courts for a period of six weeks on Tuesday and Thursday evenings from 4:30 to 6:30 PM beginning February 9, 2010 thru March 18, 2010. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF 56<sup>TH</sup> STREET MEDIATION

Receipt was acknowledged of a letter dated December 2, 2009 from Dan Zielinski with a report from Terry Curry, Mediator, for the Hession Farms, Inc.; Hession Enterprises, Ltd; Daniel Bernard Hession and Anna Catherine Hession; and Hendricks County vs 56<sup>th</sup> Street Associates II stating the issues have been resolved.

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IN THE MATTER OF VETERANS’ AFFAIRS

Receipt was acknowledged of the monthly Veterans’ report for November 2009 from Lori Turpin, Veterans’ Affairs Officer.

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IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for December 7, 2009 to December 12, 2009 from Martin Summers, Highway Superintendent.

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the weekly Human resources report for December 7, 2009 thru December 11, 2009 from Ron Love, Human Resources Director.

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IN THE MATTER OF EXECUTIVE SESSION

Commissioner Whicker read the following interoffice memo relative to the Executive Session held at 1:00 PM on Tuesday, December 8, 2009:

**MEMO**

TO:           File

DATE:        December 8, 2009

We hereby certify that the only matter discussed during the Hendricks Board of Commissioners Executive Session on this date, duly published by means of the posted Agenda, was the only item listed on said Agenda and no final action was taken.

Hendricks County Board of Commissioners

David A. Whicker, President  
Phyllis A. Palmer, Vice President  
Eric L. Wathen, Member

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IN THE MATTER OF COURTHOUSE SECURITY

John Ayers stated he is pursuing costs for new exterior doors and locks for the Courthouse that are less expensive than the ones first presented. He will continue to check and will bring back a full recommendation.

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IN THE MATTER OF HIGHWAY INVENTORY & SYSTEMS UNIT

John Ayers presented the Highway inventory & Systems Unit for mileage certification change request from INDOT. Hendricks County has released the performance bond for a list of subdivisions and upon receipt of the required maintenance bonds these subdivision streets were accepted into the County road system. A list of the streets including Public Road Mileage Certification for the year 2009 was presented, increasing the County roads by 3.733 miles. Commissioner Wathen moved to approve and sign the 2009 Highway Inventory & Systems Unit based on the recommendation of the County Engineer. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF BRIDGE NO. 188

John Ayers reported Bridge No. 188, located on CR 0, has been permanently striped and is now open for traffic.

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IN THE MATTER OF CULVERT FR-059

John Ayers reported culvert FR-059, located in Franklin Township, on CR 450W, is now open and has passed the final inspection.

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IN THE MATTER OF BRIDGE NO. 127

John Ayers presented the Indiana Department of Transportation – Local Public Agency Projected Coordination Contract for Bridge No. 127, located on CR 450W, and explained this is a federally funded bridge with 80/20 participation in the construction cost. Commissioner Wathen moved to approve and sign the Project Coordination Contract with INDOT for Bridge No. 127, as recommended by the County Engineer. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF HIGHWAY SUPERINTENDENT

John Ayers reported he and Human Resources Director Ron Love have completed some telephone interviews with applicants for the position of Highway Superintendent and have narrowed the list to eight that they will meet with in person to interview.

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IN THE MATTER OF ENERGY GRANT

Mark E. Heirbrandt, AMERESCO, explained the advantages to the Federal Guaranteed Energy Savings Program. We will need to do either RFQ (Request for Quotes) or RFP (Request for Proposal) process. He stated this energy savings will be measured in increments not in dollars. This process will be for the energy conservation grant for the Courthouse. John Ayers requested to advertise for RFP. It was the consensus of the Commissioners for John Ayers to proceed to advertise for RFP for energy conservation for the Courthouse.

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IN THE MATTER OF GOVERNMENT CENTER

John Ayers gave an update on the carpet replacement in the Government Center and stated they have

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installed the floor covering in the lounge and are in the process of applying several coats of wax. There was discussion of entrance floor mats.

IN THE MATTER OF EMPLOYEE HEALTH CLINIC

Commissioner Whicker announced during the joint Commissioner and Council meeting on December 10, 2009 there was discussion of establishing an employee health clinic with Hendricks Regional Health. He further advised that Attorney Greg Steuerwald is reviewing a contract for the proposed clinic. It was the consensus of the Commissioners to proceed to establish the clinic with Hendricks Regional Health and to bring the contract to the December 22, 2009 meeting for approval.

IN THE MATTER OF TRANSFER OF FUNDS

A transfer letter was presented to transfer \$5,000 from 100-35600-000-135: Liability to 100-37850-000-135: Rent to pay the first quarter rent for the Juvenile Probation space on the square. Commissioner Palmer moved to approve the transfer, as presented. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

A transfer letter was presented to transfer \$500 from 100-35600-000-135: Liability to 100-32900-000-135: Attendance at Meetings in order to fund training conferences attended by staff. Commissioner Palmer moved to approve the transfer, as presented. Commissioner Whicker seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

- 1. IDEM, Office of Water Quality, Facility Construction & Engineering Support Section, Permit Application, Avon Pointe, Avon, IN

**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 Sheriff's Fleet
  - b. 2006 Chevrolet Impala Sheriff's Fleet
  - c. 2006 Chevrolet Impala Sheriff's Fleet
  - d. 2006 Chevrolet Impala Sheriff's Fleet
- 3. Documents needing action: None

IN THE MATTER OF EXECUTIVE SESSION

Commissioner Whicker announced there would be an executive session at noon today, December 15, 2009, in the Circuit Court Jury Room to discuss security with the judges. He stated an agenda has been posted.

Commissioner Palmer moved to adjourn the Commissioners' meeting at 11:05 AM. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

David A. Whicker, President

Phyllis A. Palmer, Vice President

ATTEST: \_\_\_\_\_  
Judith Wyeth, Deputy Auditor

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Eric L. Wathen, Member