

January 12, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, January 12, 2010 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)	
Eric L. Wathen)	Hendricks County Board of Commissioners
Phyllis A. Palmer)	
Tyler Starkey		Hendricks County Acting Attorney
Cinda Kattau		Hendricks County Auditor
Gail Brown		Hendricks County Assessor
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
James McBryant		Administrator Cypress Manor
Doug Morris		Hendricks County Systems Administrator
Dr. David Hadley		Hendricks County Health Director
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 January 5, 2010 meeting, as corrected. Commissioner Palmer seconded the motion and the motion was approved 2-0-1 with Commissioners Wathen and Whicker voting aye and Commissioner Palmer abstaining as she did not attend this meeting.

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claims #201738 thru 201753 and #201754 thru 201782, as presented. Commissioner Wathen 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 are now completed. Mike Graham presented a copy of the memo he sent to the Council briefing them on the request of \$600,000 from EDIT to pay for fire equipment for Liberty Township Fire Department associated with Exit 59. He also presented a formal letter requesting an appropriation of \$1.2 million from EDIT funds for the Exit 59 water line and for equipment for the Fire Department Liberty Township that stated EDIT would be repaid from the TIF revenues. Commissioner Palmer moved to approve and execute the letter to the Council requesting additional appropriation of \$1.2 million for the Exit 59 water line and for equipment for the Fire Department Liberty Township, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Mike Graham explained they should have the easement this week for the water line to go through the Koger property at Exit 59. He presented the Veolia Water, Indianapolis, LLC Main Extension Agreement No. D-09-221 for Westpoint Boulevard (I-70 to SR 39) and stated this agreement is for a water line to provide water to the Kite and Lauth property at Exit 59. He stated this agreement in the amount of \$584,416 will be paid from EDIT and the revenue from the TIF will repay EDIT. Attorney Tyler Starker reviewed the agreement and explained some concerns he would check. Commissioner Palmer moved to approve the agreement with Veolia Water for the water line to Exit 59, subject to counsel approval, and to authorize the President to sign on behalf of the Commissioners. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers reported on the pre-construction meeting with INDOT for the bridge on Ronald Reagan Parkway over the CSX tracks and stated the contractor plans to start clearing in February and to start the permit process with CSX. Mr. Ayers stated that representatives of Avon attended this meeting. He explained the County's share would be financed with Federal Highway Administration (FHWA) Innovative Financing credits and the County has a credit of which is applicable for this project.

Commissioner Wathen requested the County work with Avon on their posted weight limit restrictions on the Ronald Reagan Parkway through the Town of Avon. Mike Graham stated Avon Council Member Greg Zusan is the liaison between the Town of Avon and Hendricks County.

Commissioner Wathen announced the Tiger Grants will be awarded on Friday, January 15, 2010. The Ronald Reagan Parkway from CR 300N to the I-74 Interchange is a candidate for these funds.

John Ayers presented Supplemental Agreement No. 1 with Beam, Longest and Neff, for right-of-way acquisition for the Ronald Reagan Parkway and stated that over the years Beam, Longest and Neff had handled most of the right-of-way acquisition for the Ronald Reagan Parkway. Commissioner Palmer moved to approve Supplemental Agreement #1 for right-of-way series acquisition with Beam, Longest and Neff for the Ronald Reagan Parkway, as recommended by the County Engineer. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

John Ayers presented a Memorandum of Understanding 3rd Party with Laurie Maudlin, Appian, for the electronic filing of lobbyist forms with the Indiana Lobby Registration Commission. Commissioner Palmer moved to approve the Memorandum of Understanding with Laurie Maudlin of Appian to file lobby reports electronically 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.

IN THE MATTER JAIL ROOF REPLACEMENT

John Ayers summarized the seven bids received last week for the jail roof replacement and recommended award of the bid to Fort Wayne Roofing and Sheet Metal Corp. as the lowest bid received in the amount of \$253,800 and presented a contract for consideration. Commissioner Wathen stated that based on the recommendation of the County Engineer he would make a motion for the Commissioners to sign a contract with Fort Wayne Roofing and Sheet Metal Corp. as the lowest most responsive and responsible bid received for the jail replacement roof. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF BROWNFIELD LOAN - WARRICK LANDFILL

Jeff Banning, Banning Engineering, gave a brief history of the Brownfield Loan for the Warrick Landfill property in Washington Township. Bob Carr, developer of Rolling Hills on this property, explained their current negotiations with the Town of Brownsburg to purchase a portion of this property for a park. Mr. Carr noted they did not make their Brownfield Loan \$11,000 payment in December 2009, under their new Letter of

Credit, however, they plan to pay this fee next week. Mr. Banning stated he and Mr. Carr had met several times with representatives from the Town of Brownsburg and they are making progress toward Brownsburg purchasing a portion of this property to make into a park. He stated Brownsburg is planning to file for annexation of the purchased property at their March 2010 meeting. Commissioner Wathen clarified the payments on the Brownfield Loan are quarterly and stressed the need for payment to be made on time. Mr. Banning verified that not all of the property, only the undeveloped portion of the property, will be purchased by Brownsburg and annexed into the Town of Brownsburg.

IN THE MATTER OF DANVILLE TOWN PROPERTY

Gary Eakin, Danville Town Manager, presented a letter of January 12, 2010 from Jeff Martin, Danville Town Council President counter offering to sell the buildings located at 6 South Jefferson and 20 South Jefferson for the amount of \$353,000 and that the Town will retain ownership of the two parking lots located adjacent to Cross Street between US 36 and Main Street. Mr. Eakin presented the January 11, 2010 Broker’s Price Opinion and the Appraisals for the Town Hall Building, County Probation Office, Town Parking Lot #1 and Town Parking Lot #2 from Dan Moore Real Estate Services, Inc. Commissioner Whicker clarified it would be the County’s option to request an inspection of this property and at their cost. It was the consensus of the Commissioners to take this counter offer from the Town of Danville under consideration.

IN THE MATTER OF ASSESSOR’S OFFICE - CONTRACTS

Assessor Gail Brown presented and explained three contracts with Nexus Group, Inc for consideration: Commercial New Construction Contract for New Construction Assessments & Related Duties; Commercial Annual Adjustments Contract for Annual Adjustments and Related Duties for Commercial; and Residential and Ag Annual Adjustment Contract for Annual Adjustments & Related Duties. Ms. Brown stated these three contracts were all in the required DLGF format and had been reviewed by Attorney Greg Steuerwald. She also stated the Nexus quote was lower than the quote she received from Tyler Technology for these contracts. Commissioner Palmer moved to approve and sign the contracts with Nexus for Contract for New Construction Assessment & Related Duties for Commercial New Construction, Contract for Annual Adjustments & Related Duties for Commercial Annual Adjustments and Residential & Ag Annual Adjustments Contract for Annual Adjustments & Related Duties, as presented and recommended by the County Assessor. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Assessor Gail Brown stated she will bring the contract for Pictometry to the January 19, 2010 meeting for consideration.

IN THE MATTER OF AUDITOR’S OFFICE - CONTRACT

Auditor Cinda Kattau presented a Statement of Work Phase II Software Certification Assistance and explained this contract for assistance includes training of staff. Commissioner Wathen moved to approve the contract for Statement of Work Phase II Software Certification Assistance, as recommended by the County Auditor, 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 USE OF GOVERNMENT CENTER

Receipt was acknowledged of an email from David Leimenstoll, Hendricks County RACES Radio Officer, again requesting use of Room 4-5 of the Government Center for their annual weather service training for Weather Spotters and confirming the date change to Saturday, March 6, 2010 from 2 – 4 PM. It was the consensus of the Commissioners to approve the request, as presented.

IN THE MATTER OF COMMUNITY CORRECTIONS ADVISORY COUNCIL

Mike Graham presented a list of appointees to the Community Corrections Advisory Council with suggested designees of the required department representatives and stated we have either received or have had people agree to the various appointments on the Community Corrections Advisory Council for all categories except from Healthy Families, Plainfield and the Commissioners' appointment of four lay people. He reported that Todd McCormack, Adult Probation Director, has recommended not appointing someone to the category of ex-offender as the Department of Corrections is working to revise the community corrections statute and is seeking to remove this category. Mr. Graham stated Todd McCormack recommends not filling the ex-offender appointment until after the Department of Corrections review of the composition of the Board they tell us to make an appointment. The names submitted for appointment are as follows:

1. Sherriff appointed Sheriff Dave Galloway
2. Prosecutor appointed Rhett Stuard, Deputy Prosecutor
3. Healthy Families – no appointment presented
4. Plainfield - no appointment presented
5. Circuit Court, two criminal judges - appointed Dave Coleman, Superior 1 & Karen Love, Superior 3
6. Circuit Court, juvenile judge appointed – Circuit Court Judge Jeff Boles
7. Commissioners, attorney criminal defense – appointed Attorney(Terry Kessinger
8. Commissioners, victim advocate - appointed Maria Larrison, Director of Sheltering Wings
9. Commissioners, ex-offender - not appointing at this time
10. Commissioners, council member – appointed Council President Larry Hesson
11. Commissioners, probation officer – appointed Todd McCormack, Adult Probation Director
12. Commissioners, educational administrator – School Superintendents appointed Torrey Rodkey, Plainfield Assistant Principal
13. Commissioners, mental health representative – appointed Pat Cockrum, Director Sycamore Services
14. Commissioners, four lay people – not yet appointed

There was discussion of the four lay people. Mr. Graham explained here is no established category for a Commissioner to serve on the Community Corrections Advisory Board., however, it may be possible to appoint a Commissioner to the Board as one of the Commissioners lay persons. There was discussion of the term “lay person”. Mr. Graham reported Judge Boles has strongly recommended a juvenile probation officer should be appointed to the Board and while Judge Boles desires this appointment he could not find a category that would allow it. He further advised that all Commissioners appointments have been contacted and they have agreed to serve. There was discussion of the Auditor serving on the Community Corrections Advisory Council.

Commissioner Wathen recommending appointing Tonee Bell to serve as a lay person. It was the consensus of the Commissioners to appoint Auditor Cinda Kattau to serve on the Community Corrections Advisory Council, to ask Tonee Bell to serve as a lay person and to ask Judge Boles for a recommendation of a representative from Juvenile Probation and bring back for further consideration.

IN THE MATTER OF TECH BOARD

Mike Graham gave a history of the Tech Board and reported the original Tech Board (Data Processing Board) was established by Ordinance 1982-16. In 1999, the Data Processing Board was changed to the Computer Board and the membership was increased from six members to eleven members by Ordinance 1999-14. Then Ordinance 1999-14 was repealed by Ordinance 2000-14, adopted on July 10, 2000, doing away with the Computer Board. On January 19, 2001, the Commissioners met to discuss establishing a Tech Board. On February 12, 2001 the Commissioners started to have Tech Board meetings. There is no record of the Commissioners passing a resolution or an ordinance establishing the Tech Board in 2001. The Tech Board has become custom and practice since February of 2001. Mr. Graham stated the options are to continue the Tech Board meetings, do away with the formal Tech Board meetings or formally establish the Tech Board by adopting an ordinance or resolution. He recommended to stop the Tech Board meetings and have Doug Morris present computer issues to the Commissioners as needed as do other department heads. It was the consensus of the Commissioners to add Discussion of Tech Board to the January 19, 2010 agenda.

IN THE MATTER OF CUSTODIAL SUPERINTENDENT - RETIREMENT

Receipt was acknowledged of the retirement notice from Elvin Cassity, Custodial Superintendent, for his last day on March 31, 2010. It was noted Mr. Cassity has worked for the County since 1986 and has also served as Marion Township Trustee for many years. There was discussion of the replacement of this position, of the job description and of the interview process. It was the consensus of the Commissioners to review the job description for the Custodial Superintendent and that Commissioner Palmer be the Commissioners' representative in the job interview process.

IN THE MATTER OF STATE OF THE COUNTY SPEECH

There was a brief discussion of the State of the County Speech. It was the consensus of the Commissioners to send notice to all department heads and elected officials to submit information for their respective departments for a 2010 State of the County Speech to be held in mid February.

IN THE MATTER OF SUSIE'S PLACE

Receipt was acknowledged of an email from Linda Withner, Executive Assistant of Sheltering Wings, advising that Maria Larrison is on the Board of Directors for Susie's Place in Avon and inviting the Commissioners to visit Susie's Place – a Children's Advocacy Center in Avon, to tour the facility and to discuss a grant they are applying for that will need the County Commissioners to sign off on. Several dates and time were listed on the email. It was the consensus of the Commissioners for Mike Graham and Commissioner Palmer to determine a date and time to visit and tour Susie's Place.

IN THE MATTER OF HIGHWAY SUPERINTENDENT

John Ayers reported they had interviewed 12 – 15 applicants for the position of Highway Superintendent and narrowed the list to five that they are currently interviewing with Commissioner Wathen, County Engineer, County Administrator to Commissioners and Human Resources Director. There was discussion to have the top two or three meet with the Commissioners in Executive Session for final selection. It was the consensus of the

Commissioners for the top 2 – 3 applicants to meet with the Commissioners in Executive Session at 9 AM on Friday, January 15, 2010 in the Government Center.

John Ayers presented a draft letter to the Council relative to pay for Highway Superintendent Martin Summers for 12 accumulated vacation days that he would lose due to his consenting to honor the Commissioners’ request to stay in his current position and delay retirement until later in 2010 for the transition to the new Highway Superintendent. Commissioner Wathen moved to approve and sign the letter to Council requesting payment to Martin Summers for accumulated vacation days as his delay in retirement was due to the Commissioners’ request. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0

IN THE MATTER OF CYPRESS MANOR

James McBryant presented a new application for residency at Cypress Manor for Roger Dale Treece and gave a brief history of this applicant. There was discussion of the applicant’s disabilities. Commissioner Palmer moved to approve the applicant presented for residency at Cypress Manor, as recommended by the Cypress Manor Director, contingent if future disability payments are received that Cypress Manor seek retroactive payments starting February 1, 2010. Commissioner Wathen seconded the motion and the motion was approved 2-1-0 with Commissioners Palmer and Wathen voting aye and Commissioner Whicker voting nay.

IN THE MATTER OF WHITE LICK STREAM STABILIZATION

John Ayers presented Amendment No. 1 Project Agreement No. 65-52KY-9-0161 between the United States Department of Agriculture Natural Resources Conservation Service (NRCS) and the Hendricks County Commissioners relative to the White Lick Stream Stabilization, located on CR 700N and west of SR 267 in Brown Township. Mr. Ayers explained this project was estimated at \$188,610 and this is a de-obligation of funds in the amount of \$141,457.50. Originally the property owner, agreed to provide 25 percent of the cost of construction, which is \$47,152.40 and NRCS agreed to provide 75 percent cost of construction or \$141,457.50. He stated this action is necessary as the property owner was unable to fund their 25 percent and therefore, this project becomes null and void. Mr. Ayers stated representatives of the NRCS have notified the property owner this project will not be reconsidered at a later date. Commissioner Palmer moved to approve the Termination Agreement with the NRCS for the White Lick Stream Stabilization project 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.

IN THE MATTER OF RAILROAD GRADE CROSSING

John Ayers presented the Railroad Grade Crossing Fund (RRGCF) Other Safety Improvements (OSI) Grant Agreement in the amount of \$30,106.60 that was awarded to Hendricks County from INDOT for “Signage” for railroad crossing upgrade to cover striping and signs at railroad crossings in Hendricks County. Commissioner Wathen moved to approve and sign the INDOT grant agreement for railroad crossing upgrade in the amount of \$30,106.60. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF 56TH STREET

John Ayers presented a Subordination Agreement with Indianapolis Power and Light for the 56th Street reconstruction project for 56th Street (CR 600N) from CR 900E, east to Raceway Road, relative to relocation of utility lines in easements and right-of-way. Mr. Ayers stated Attorney Greg Steuerwald has reviewed this agreement. Commissioner Wathen moved to approve and sign the Subordination Agreement between Hendricks County and Indianapolis Power and Light for the 56th Street reconstruction project. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF DONNELLY JHEIGHTS

Commissioner Wathen questioned the status of the drainage issues in Donnelly Heights, located in Lincoln Township. John Ayers explained they currently have two options they are reviewing to resolve the drainage problems in this area.

IN THE MATTER OF HEALTH BOARD APPOINTMENTS

Dr. David Hadley referenced a letter he had sent the Commissioners with the names of several possible candidates for appointment to fill a vacancy on the Health Board. Commissioner Whicker announced the Health Board appointment is on the January 19, 2010 agenda.

IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

- 1. IDEM, Notice of 30 Day Period For Public Comment, Harlan Bakeries, Inc., Preliminary Findings Regarding a Minor Source Operating Permit (MSOP) Transitioning to a Federally Enforceable State Operating Permit (FESOP) with New Source Review (NSR).

Action needed/taken on the following:

- 1. Checks received and signed to the county:
 - a. Indiana Association of County Commissioners \$125.00 Registration Refund
 - b. Larry Deckard \$30.00 Courthouse Rental
 - c. Larry Deckard \$50.00 (Cash) Courthouse Rental
- 2. Whicker signed vehicle titles for the following:
 - a. 2008 Ford Crown Victoria Sheriffs Department
- 3. Documents needing action: None

IN THE MATTER OF VETERANS’ AFFAIRS

Receipt was acknowledged of the City & County Veteran Service Officer’s monthly report for December 2009 from Lori Turpin, Veterans’ Service Officer.

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the weekly Human Resources report for January 4 thru January 8, 2010 from Ron Love, Human Resources Director.

IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for January 4 thru January 9, 2010 from Martin Summers, Highway Superintendent.

IN THE MATTER OF TAX RATES

Auditor Cinda Kattau announced there would be a public hearing for the 2010 tax rate on January 22, 2010

in the Government Center.

IN THE MATTER OF STATE BOARD OF ACCOUNTS

Auditor Cinda Kattau reported the accountants with the State Board of Accounts are in Room #6 of the Government Center to begin the 2009 audit.

IN THE MATTER OF HOLIDAY

Commissioner Whicker announced all County offices would be closed on Monday, January 18, 2010 in observance of the birthday of Martin Luther King, Jr.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 11:07 AM. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

David A. Whicker, President

Eric L. Wathen, Vice President

Phyllis A. Palmer, Member

ATTEST: Judith Wyeth, Deputy Auditor

