

July 6, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, July 6, 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:

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| David A. Whicker      | ) |  |
| Eric L. Wathen        | ) | Hendricks County Board of Commissioners        |
| Phyllis A. Palmer     | ) |  |
| Gregory E. Steuerwald |   | Hendricks County Attorney                      |
| Larry Hesson          |   | Hendricks County Council President             |
| John Ayers            |   | Hendricks County Engineer                      |
| Michael E. Graham     |   | Administrator to Commissioners                 |
| Cathy Grindstaff      |   | Hendricks County Environmental Health 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 June 22, 2010 meeting, as corrected. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CLAIMS

Commissioner Palmer moved to approve Claims #207479 thru 297492, #207016 thru 207025, #207500 thru 207513, #207523 thru 207530, #179200 thru 179517 and #179518 thru 179520, as presented. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF EXIT 59

John Ayers stated he had nothing new to report on Exit 59.

IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers reported he had met with the homeowners in the Sun Chase Subdivision on Tuesday, June 28, 2010 to explain the design of the Ronald Reagan Parkway near their subdivision, the proposed mounding and to give them a brief history of the planning of this road since 1994.

John Ayers reported they would be closing the Ronald Reagan Parkway from the Menard’s entrance south, including the entrance to Avon Commons.

John Ayes presented the Appian report from Dennis Faulkenberg for May and June 2010 giving a progress report on the Ronald Reagan Parkway.

John Ayers stated he has again talked to INDOT regarding installing a signal light at Ronald Reagan Parkway and the Connector Road at I-74.

IN THE MATTER OF FAIRGROUNDS – POLE BARN

Steve Patterson, Hendricks County 4-H Fair Board, presented a plan for the Hendricks County Antique Tractor and Machinery Association to build a pole barn for storage purposes on the premises of the Hendricks County 4-H Fairgrounds and Conference Complex. He stated they had met with the surrounding homeowners regarding this project and they had requested to relocate the barn in a different area and that location was agreeable with the Tractor Association. Mr. Patterson introduced Mike Toole and Brad Beeson of the Antique Tractor and Machinery Association and Brenda Burnell of the Fair Board and stated they will pay for this building, however, the 4-H Fair Board will insure the facility and he clarified this will comply with the lease the County has with the 4-H Fair for this

site. Commissioner Palmer stated she is the Commissioner’s representative on the Fair Board and she felt confident the color and style will comply with the existing buildings and that they will work with the County Engineer on this project. Greg Steuerwald explained to comply with the lease agreement this project needs the Commissioners approval. Commissioner Palmer made a motion to give approval to the Hendricks County Antique Tractor and Machinery Association to construct the pole barn in the proposed area of the Hendricks County 4-H Fairgrounds and Conference Complex with an agreement to be drawn up with the Hendricks County Fair Board in order to comply with the lease. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF FORMER DANVILLE TOWN HALL

Andy Hine, Arc Design, presented his findings on the assessment of the former Danville Town Hall and explained the qualifications of the staff he had working with him on this report. In his report he stated the buildings are old and will continue to need more and more maintenance. He gave a synopsis of this property for a 1-5 year period and for a 7–25 year period. Danville Town Manager Gary Eakin and Town Board Member Jeff Martin were in attendance for the report. Commissioner Whicker asked the Engineering Department to provide costs for the short term and the long term of this property and stressed the building package include the parking lots. It was the consensus of the Commissioners to take the report under advisement. Mike Graham suggested when the Commissioners receive the cost information from the Engineering Department that they then discuss this matter in Executive Session.

IN THE MATTER OF HEALTH DEPARTMENT FUNDING

Cathy Grindstaff presented Contract A70-7-041025 (PHB 207-24) from the Indiana State Department of Health for Public Health Workforce Toolkit and Purdue University Agreement No. 4201-35335 for the Hendricks County Health Department to receive \$2,000 at no cost to the County. She stated this is for services associated with public health system quality improvement projects and added that Attorney Greg Steuerwald has reviewed this contract. Commissioner Wathen moved to approve the contract from the Indiana State Department of Health for Public Health Workforce Toolkit for the Hendricks County Health Department to receive \$2,000, at no cost to the County, and authorize the President to sign the Purdue University Agreement No. 4201-35335 on behalf of the Commissioners. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF KRIEG DeVAUT – RETAINER

Receipt was acknowledged of the June 23, 2010 letter from Krieg DeVault requesting a retainer fee in the amount of \$2,000 for services to represent the Hendricks County Treasurer relative to the Premier Properties. Greg Steuerwald stated he would like to review this contract and bring back next week. It was the consensus of the Commissioners to add this matter to the July 13, 2010 agenda.

IN THE MATTER OF 2011 BUDGET

Mike Graham gave a brief summary of the proposed 2011 Commissioners’ budget and explained some lines had been cut and some lines that will be moving from the general fund to come cap funding in order to protect the general fund. There was discussion of the proposed budget. Commissioner Palmer moved to adopt the 2011 Commissioners’ budget, as received, and to present to the Council. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Larry Hesson, Council President, announced the 2011 budget hearings would be held on August 2 and August 3, 2010 in Room #3 of the Government Center.

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IN THE MATTER OF CENSUS

Mike Graham reported the U.S. Census Bureau has contacted Don Reitz, Planning Director, and requested his assistance to ask the Commissioners to sign a letter that would be sent to those areas where citizens have refused to cooperate with Census takers. He explained the letter asks for the residents to please answer the census questions and presented a draft letter for consideration. There was a brief discussion of this request. It was the consensus of the Commissioners to take “no action” on this matter.

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IN THE MATTER OF HEALTH DEPARTMENT LOSS

Mike Graham advised that on June 19<sup>th</sup> or 20<sup>th</sup>, there was a thunderstorm and the Health Department refrigerator lost power. He stated the health nurses had to dispose of vaccine with a total value of approximately \$98,000 and while the vaccine is free from the State Board of Health we have to insure it for a loss. He stated Cincinnati Insurance has hired an engineer to determine what happened, however, at this time, we do not know if our insurance will cover the loss until an evaluation is complete. Mr. Graham stated John Ayers and Kevin Cavanaugh have been working to piece together what went wrong and will work with the insurance company’s engineer to determine the cause and they will advise of the result of the evaluation and the determination made about our coverage.

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IN THE MATTER OF COMMUNICATIONS CENTER

Mike Graham gave an update on the continuing difficulties and the inequities associated with the funding of the Communications Center and advised of a meeting of the Finance Committee of the Communications Center on June 22, 2010 to discuss some of the challenges. He gave several examples illustrating the inequities in current funding of the Communications Center and stated he thinks it important to solve the funding problem before we see communities refusing to contribute or reducing their contributions to the Center. He explained it appears that the only viable alternative is to establish a local utility and to use the property tax billing and collection systems for the fee. He stated with the focus of the General Assembly on the financial problems of the State, he does not believe it is realistic that they will make funding for local dispatch centers a priority. Mr. Graham also stated Auditor Cinda Kattau is reviewing this matter and our recommended perimeters are to capture each primary building and to exclude all accessory buildings. He recommended a flat fee be established for each of these primary structures. He also stated Commissioner Wathen has stated he would only support this idea if it is revenue neutral. For example, if a utility is established the County will not get a \$700,000 wind fall that is currently used to help fund the Communications Center. At the Communications Center Finance Committee meeting the representatives from Avon, Danville and Plainfield were in strong agreement with Commissioner Wathen’s revenue neutral requirement. Mr. Graham requested permission to prepare an outline of the process needed to establish a utility for funding the Communications Center. There was discussion of the funding possibilities. It was the consensus of the Commissioners for Mike Graham to begin the process of evaluating the establishment of a utility for communication funding.

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IN THE MATTER OF B&O TRAIL

John Ayers explained there were new Tiger Grants available and stated he would like to apply for a grant for the

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Ronald Reagan Parkway and the B&O Trail would also like to apply. Diana Virgil, President B&O Trail, stated they would like to apply for the Tiger Grant to help build additional sections of the B&O Trail to the west. There was discussion if it would be less advantageous to make two applications from one county. It was the consensus of the Commissioners to approve applications for both projects for a Tiger Grant.

John Ayers explained that the B&O Trail Association has requested for the County to pay the construction inspection fees for the section of the trail currently under construction, which are then reimbursed by INDOT. He explained this would allow the B&O Trail Association to avoid an audit by the State. It was the consensus of the Commissioners for John Ayers to review the inspection contract for the B&O Trail.

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IN THE MATTER OF APPIAN

Mike Graham presented the Appian Conflicts Resolution Addendum to Agreement from Dennis Faulkenberg, Appian President. Greg Steuerwald stated this agreement is to be in compliance. Commissioner Wathen moved to approve the Appian Conflicts Resolution Addendum to Agreement, as presented, 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.

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IN THE MATTER OF MPO

John Ayers presented the claim to Metropolitan Planning Organization (MPO) in the amount of \$16,403 that was approved by the Commissioners on May 25, 2010 and explained this is for the County’s 2011 contribution and the claim should be held until 2011 as the appropriated funds have been used for the 2010 contribution.

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IN THE MATTER OF ENGINEERING 2011 BUDGET

John Ayers presented the 2011 budget for the Engineering Department with summary and explained some changes in salaries and wages, proposed reductions and the moving of some items to be funded in 2011 from Cume Cap that will reduce the General Fund. Mr. Ayers also explained the Custodial budget and Highway with Cume Bridge and Wheel Tax.

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IN THE MATTER OF HIGHWAY PAVEMENT MARKING

John Ayers presented the 2010 Hendricks County Pavement Marking Project Bids received as follows:

Indiana Sign and Barricade, Inc.	\$24,082.87
Highway Technologies	\$30,170.80
Ogelsby Construction	Did Not Submit Bid
Interstate Road Management	Did Not Submit Bid

He recommended going with Indiana Sign and Barricade, Inc. as they were the lowest bid received. Commissioner Palmer moved to accept the bid of Indiana Sign and Barricade, Inc. in the amount of \$24,082.87, as the lowest most responsive and responsible bid received for the 2010 Hendricks County Pavement Marking Project. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF BRIDGE NO. 34

John Ayers reported they will close CR 700N today to start the removal of Bridge No. 34, located on CR 700N over School Creek and approach reconstruction. John Ayers explained the reimbursement to the County for Bridge No. 44 through a transfer from the Bridge Fund to EDIT.

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## IN THE MATTER OF ROADS

John Ayers gave an update on road repair and stated they are starting the milling and pulverizing and doing chip and seal on several County roads today.

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## IN THE MATTER OF GOVERNMENT CENTER - GENERATOR

John Ayers advised the generator in the Government Center is now out of warranty and stated they felt routine maintenance and service were necessary on this generator. He presented a maintenance service agreement from Indiana Power Service & Supply, Inc. for the generator in the Government Center in the amount of \$519 annually. Commissioner Palmer moved that based on the recommendation of the County Engineer to approve the maintenance service agreement with Indiana Power Service & Supply in the amount of \$519, 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.

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## IN THE MATTER OF RUSS LAWSON

John Ayers relayed a message of thanks and appreciation from the family of Russ Lawson for the cooperation of the County on their request to use a County Highway pick-up truck for his funeral and for the tribute expressed to Mr. Lawson.

Commissioner Whicker acknowledged receipt of a request from Sherry Davis Scott, a friend of the family of Russ Lawson, to plant a tree in his memory at the Government Center. She will purchase and plant a red maple tree with a plaque at her expense. It was the consensus of the Commissioners to approve Ms. Scott to purchase and plant a tree with a plaque at the Government Center, at her expense, in memory of Russ Lawson, subject to a suitable location identified by the Engineering Department.

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## IN THE MATTER OF INDIAN LAKE

Commissioner Wathen stated he had received a call requesting assistance with grant application for repairing the breach in the Indian Lake dam during the recent heavy storm. John Ayers said he had referred people to contact the Department of Natural Resources (DNR) and the Flood Emergency Management Agency (FEMA) for assistance. Commissioner Wathen left the meeting at 11:00 AM.

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## IN THE MATTER OF JOINT MEETING

Commissioner Whicker announced there would be a joint Commissioner and Council meeting on Thursday, July 8, 2010 at 3:30 PM, following the regular Council meeting in the Commissioners' meeting room.

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## IN THE MATTER OF LEINWEBER

Commissioner Palmer advised she had responded to the May 28, 2010 letter from Mabel Leinweber on her concerns of a November 2007 BZA approval for a mobile home and verification that someone resided in the home and had included the report from Don Reitz, Planning Director, and Paul Wilson, Zoning Inspector, relative to their June 24, 2010 inspection and status of the mobile home at 8059 S. County Rd. 525 E. She reported the on-site inspection by Mr. Reitz and Mr. Wilson verified the residence is currently occupied.

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## IN THE MATTER OF CORRESPONDENCE

Commissioner Whicker acknowledged receipt of the following correspondence:

Correspondence:

1. IDEM, Office of Water Quality, Facility Construction and Engineering Support Section, Permit Application, Beazer Homes of Indiana, LLC, Plans and Specifications for Sanitary Sewer, Williamsburg Villages, Section 11.
2. IDEM, Office of Air Quality, Permits Branch, Notice of Decision-Approval, Part 70 Operating Permit, Twin bridges Recycling and Disposal Facility, Permit Renewal.
3. IDEM, Office of Air Quality, Permits Branch, Notice of Decision-Approval, Buckeye Terminals, LLC.

**Action needed/taken on the following:**

1. Checks received and signed to the county: None
2. Whicker signed vehicle titles for the following:
  - a. 2007 Dodge Charger Sheriffs' Department
  - b. 2007 Dodge Charger Sheriffs' Department
  - c. 2007 Dodge Magnum Sheriffs' Department
  - d. 2005 Ford Mustang Sheriffs' Department
  - e. 2004 Chevrolet Impala Sheriffs' Department
3. Documents needing action:
  - a. Emergency Shelter Grant Program Sheltering Wings Indiana Housing & Community Development Authority for July 1, 2010-June 30, 2011

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IN THE MATTER OF TORT CLAIM - LEITZMAN

Receipt was acknowledged of a Tort Claim from James A. Pratt – Attorney At Law, Price Yaicukauski & Riley, on behalf of Bobby J. Leitzman, for incident of June 4, 2010 within the Town of Plainfield. It was noted the original has been hand delivered to Rich Jensen of Stevenson Jensen Agency and a copy faxed to Greg Steuerwald.

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IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the June 15, 2009 to June 15, 2010 Indiana State Department of Health Division of Weights and Measures annual report from Charles Colbert, Weights and Measures Inspector.

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IN THE MATTER OF CYPRESS MANOR

Receipt was acknowledged of the Cypress Manor report for June 19 to July 2, 2010 from James McBryant, Cypress Manor Superintendent.

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IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the weekly Human Resources report for June 21 to July 2, 2010 from Ron Love, Human Resources Director.

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IN THE MATTER OF HIGHWAY

Receipt was acknowledged of the weekly Highway report for June 19 to June 25, 2010 and June 28 to July 2, 2010 from Curt Higginbotham, Highway Superintendent.

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IN THE MATTER OF AIC CONFERENCE

Receipt was acknowledged of information for the annual AIC (Association of Indiana Counties) conference to be held September 17 – September 20, 2010 in LaPortte County.

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IN THE MATTER OF SHELTERING WINGS

Commissioner Whicker stated Sheltering Wings had delivered an emergency shelter grant program from the Indiana Housing & Community Development Authority for July 1, 2010 through June 30, 2011, that was at no cost to the County, and that needed to be signed by July 1, 2010 and requested ratification of action for this grant. Commissioner Whicker moved to approve the President of the Commissioners to sign the emergency shelter grant program from the Indiana Housing & Community Development Authority for July 1, 2010 through June 30, 2011, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 2-0-0.

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IN THE MATTER OF EXECUTIVE SESSION

Council President Larry Hesson requested an Executive Session with the Commissioners, Attorney Greg Steuerwald and Mike Graham to discuss litigation. It was the consensus of the Commissioners to hold an Executive Session on Tuesday, July 13, 2010 at 8:00 AM to discuss a litigation matter.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 11:12 AM Commissioner Whicker seconded the motion and the motion was approved unanimously 2-0-0.

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David A. Whicker, President

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Eric L. Wathen, Vice President

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Phyllis A. Palmer, Member

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

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