

September 21, 2010

The Hendricks County Board of Commissioners met in regular session at 9:30 AM on Tuesday, September 21, 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	)	
Gregory E. Steuerwald		Hendricks County Attorney
John Ayers		Hendricks County Engineer
Michael E. Graham		Administrator to Commissioners
Kevin Cavanaugh		Hendricks County Facilities Manager
David Warren		Hendricks County Emergency Management Director
Judith Wyeth		Secretary to the Commissioners

NOTE: Auditor Cinda Kattau did not attend this meeting.

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Commissioner Whicker opened the meeting and led the Pledge to the Flag in unison.

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IN THE MATTER OF MINUTES

Commissioner Palmer moved to approve the minutes of the September 14, 2010 meeting, as corrected.

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

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IN THE MATTER OF CLAIMS

Commissioner Wathen moved to approve Claims #212632 thru 212657, as presented. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

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IN THE MATTER OF EXIT 59

Mike Graham reported we are awaiting payment for the water line from Lauth in the amount of \$381,418.00 to be paid from a portion of the \$1,200,000 Redevelopment District Bond Anticipation Note approved by the County in 2009. He stated upon receipt of their payment the payment will be forwarded to Veolia Water along with the Management Agreement (Water Main Extension) at Exit 59 between Hendricks County and Lauth Property Group, LLC that was approved by the Commissioners on September 14, 2010. Mr. Graham noted that Veolia requires the money to be deposited before they do the work.

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IN THE MATTER OF RONALD REAGAN PARKWAY

John Ayers reported he had submitted to INDOT the Stage 1 Engineer's Report for the Ronald Reagan Parkway from CR 100S to CR 200S. He stated he had received some comments from the Town of Avon on this portion of the Parkway and had forwarded them to INDOT.

John Ayers explained they have tested the foundation on the bridge on the Ronald Reagan Parkway over the CSX tracks and found it is acceptable. He reported they have completed the application for an amendment to the STP grant to add a path/walk on the bridge on Ronald Reagan Parkway from US 36 to CR 100S.

John Ayers reported he was advised by Alan Plunkett, Crawfordsville District INDOT that papers have been signed for a traffic signal to be installed at US 136 and the Ronald Reagan Parkway.

John Ayers stated he had met with Attorney Dan Zielinski and they are proceeding with eminent domain with a property owner for a property on the Ronald Reagan Parkway.

John Ayers stated he had received no report on his meeting with the MPO (Metropolitan Planning Organization) relative to the segment of the Ronald Reagan Parkway from CR 600N to I-65 into Boone County.

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## IN THE MATTER OF FIRE DEPARTMENT OF LIBERTY TOWNSHIP

Mike Graham reported we received the signed Interlocal Agreement from the Fire Department of Liberty Township and additionally we received an invoice for an ambulance purchased May 5, 2010. The cost of the ambulance was \$105,490.00 and the Fire Department of Liberty Township has made one payment. He stated he had talked to Fire Chief, Bobbie Dixon about the stipulation that we would not be paying off existing debt and she was taken aback by this statement and stated the Interlocal Agreement does not contain any provision that prohibits paying off the ambulance. Mr. Graham referenced Commissioner Whicker's statement at the August 4, 2010 meeting with representatives of the Fire Department of Liberty Township, J&J and Kite that the County was not interested in paying off any debt. Commissioner Whicker clarified he was referring to any debt incurred before 2010 and this ambulance was purchased in 2010. There was discussion on this matter. Commissioner Whicker moved to approve the payment for the ambulance for the Fire Department of Liberty Township, per the Interlocal Agreement. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

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## IN THE MATTER OF DISASTER EMERGENCY PROCLAMATION (BURN BAN)

David Warren presented a draft Disaster Emergency Proclamation to establish a burn ban and stated this proclamation has been approved by the Hendricks County Fire Chiefs for a burn ban due to the current draught. He stated this proclamation has been adopted by 33 other counties in central Indiana. Oran True, Brownsburg and President of the Hendricks County Fire Chiefs, requested the support of the Commissioners for this proclamation and explained it will take a substantial rain of at least three inches to resolve the dangers of the dry undergrowth. Mr. True stated the Town of Brownsburg stopped issuing burn permits over a month ago as have other local municipalities. He presented documentation and explained the dry conditions aggravate fire risk from daily activities and expressed their concerns for the danger of fires in the dry farm fields. Commissioner Whicker referenced the proclamation:

### **DISASTER EMERGENCY PROCLAMATION**

### **HENDRICKS COUNTY, INDIANA**

*September 21, 2010*

***WHEREAS, Hendricks County, Indiana is immediately threatened by a natural disaster-specifically county wide drought conditions, and;***

***WHEREAS, as of the 21<sup>st</sup> day of September, 2010 at 9:30 hours we find that Hendricks County to be at risk of widespread fire hazards because of the ongoing drought conditions and;***

***WHEREAS, a County wide burn ban affecting certain activities is an appropriate public safety response to the fire hazards presented by the current drought conditions;***

***NOW THEREFORE, we the Hendricks County Board of Commissioners, declare, pursuant to the provisions of IC 10-14-3-29, that a state of emergency exists in the County and that we hereby invoke and declare those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this proclamation, to be in full force and effect in the County for the exercise of all necessary emergency authority for protection of the lives and property of the people of Hendricks County.***

***We also declare that, effective immediately, the following activities are prohibited in Hendricks County:***

1. *Campfires and other recreational fires, unless enclosed in fire ring with dimensions of 23 inches in diameter X 10 inches high or larger;*
2. *Open burning of any kind using conventional fuel such as wood, or other combustible matter, with the exception of grills fueled by charcoal briquettes or propane;*
3. *The burning of debris, such as timber or vegetation, including such debris that results from building construction activities; and*

*Burning will be allowed in burn barrels with ¼ mesh top from dawn to dusk only.*

*Charcoal from permitted grills shall not be removed from the grills until the charcoal has been thoroughly extinguished.*

*Reference is hereby made to all appropriate laws, statutes, ordinances and resolutions and particularly to Section 10-14-3-29 of the Indiana Code.*

*All public offices and employees of Hendricks County are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in execution of emergency laws, regulations, and directives whether state and local.*

*All residents are called upon and directed to comply with necessary emergency measures, to cooperate with public officials and disaster service forces in executing emergency operation plans, and to obey and comply with the lawful directions of properly identified officers.*

*All operating forces will direct their communications and requests for assistance and operations directly to the Communication Center.*

*This Disaster Emergency Proclamation shall be in effect until September 28, 2010 at 10 AM. At that time the Hendricks County Board of Commissioners shall revisit the emergency to decide if the need for extension of the emergency proclamation is necessary.*

*IN WITNESS, THEREOF, we have hereunto set our hand this 21<sup>st</sup> day of September, 2010.*

***HENDRICKS COUNTY BOARD  
OF COMMISSIONERS***

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

***ATTEST: Judith Wyeth, Deputy Auditor***

There was discussion of the burn issue and if Mr. True will follow up weekly before each Commissioners' meeting on the status of the undergrowth. Commissioner Palmer moved to approve the proclamation banning burning, as presented, and that we will be notified on a regular weekly basis of this situation. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0. Commissioner Whicker requested the Proclamation be on the September 28, 2010 agenda.

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**IN THE MATTER OF COURT HOUSE – WINDOWS**

Kevin Cavanaugh presented two quotes for mini blinds for the replacement windows in the Court House from:

Abda, Custom window Fashion	\$10,800
Phillips' Drapery Service	\$25,255 for Décor and \$22,196 for Celebrity

Commissioner Palmer moved to approve the quote from Abda Custom Window Fashion in the amount of \$10,800 as the lowest quote for blinds at the Court House. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

Kevin Cavanaugh stated the window replacements at the Court House are moving along and they should be

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completed around Thanksgiving.

IN THE MATTER OF COURT HOUSE SECURITY

Kevin Cavanaugh reported they have everything in place and are waiting on the software for the new card system for the exterior doors at the Court House.

IN THE MATTER OF CULVERTS

John Ayers presented a quote for fees from R. W. Armstrong for four culverts in the County: MA-041, CL-003, BR-036 and WA-056. He explained he has requested some changes in the contract language that R. W. Armstrong is working with and he will have the revised contracts next week for these four culverts. It was the consensus of the Commissioners for John Ayers to bring the revised contracts for culverts MA-041, CL-003, BR-036 and WA-056.to the September 28, 2010 meeting.

IN THE MATTER OF JANEAN DRIVE – CULVERT BR-023

John Ayers reported rehabilitation of Culvert BR-023, located on Janean Drive in the Starkey Addition has been completed.

IN THE MATTER OF RAILROAD CROSSINGS

John Ayers explained pavement marking and signage on the 26 railroad crossings in the County have been upgraded with funding from a grant in the amount of \$29,100 received for railroad crossing safety.

IN THE MATTER OF LIBERTY 2 POLLING PLACE

John Ayers stated the County has completed paving the parking lot of the Cartersburg Masonic Lodge, polling place for Liberty 2, to make it in compliance as a handicap accessible polling place. He stated the bills will be submitted for County reimbursement from a grant received from HAVA (Help America Vote Act) grant by Voter Registration and this project will be at no cost to the County.

IN THE MATTER OF SYCAMORE SERVICES

John Ayers reported he has been working with Marcia Lynch, Sycamore Services, to meet all the requirements to build their new garage for the LINK buses/vans.

IN THE MATTER OF BRIDGE NO. 162

John Ayers explained some problems with the slope wall of Bridge No. 162, located on the north and west side of Ellis Park in Danville, and the proposed improvements. He presented two quotes for these repairs:

IRE	\$38,500	George Harvey & Son	\$35,580.
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Commissioner Wathen moved to hire George Harvey & Son to repair the slope wall on Bridge No. 162 in the amount of \$35,580, as the lowest quote received. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF CULVERT NO. 054

John Ayers reported he had received a quote in the amount of \$38,000 to repair/replace Culvert-054, located north on CR 600E at Indian Head Lake, and stated he is giving consideration to having the Highway crew install a box culvert at this location later this year. Commissioner Palmer moved to approve the Highway to repair/replace Culvert No. 054, located on CR 600E, as recommended by the County Engineer. Commissioner Wathen seconded the motion and the motion was approved unanimously 3-0-0.

IN THE MATTER OF HIGHWAY

John Ayers advised of receipt of a letter from Downey Insurance congratulating the Highway Department for earning a safety award once again due to the proactive focus taken towards safety in the workplace and their excellent worker safety record compiled by the Hendricks County Employees. The award is achieved by having less than a 50% loss ratio plus an acceptable claim incident rate as compared to municipalities statewide. The letter noted this award is for the calendar year 2009. They also sent a plate to be placed on the County IPEP (Indiana Employee Public Employees’ Plan, Inc.) Safety Award Plaque for this achievement.

John Ayers reported they have replaced a cross pipe on CR 300 South, following the reopening of Dan Jones Road and Carr Road in the Plainfield area.

Receipt was acknowledged of the weekly Highway report for September 4 to September 20, 2010 from Curt Higginbotham, Highway Superintendent.

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IN THE MATTER OF REX PIPELINE

Commissioner Whicker reported on the County roads damaged by the REX Pipeline through southern Hendricks County stating the repair has been very smooth and that Milestone has done a nice repair on these Hendricks County roads.

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IN THE MATTER OF CR 700N

Commissioner Wathen requested County Engineer John Ayers to check on the railroad crossing on CR 700N.

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IN THE MATTER OF B&O TRAIL

John Ayers responded to concerns raised last week in the Drainage Board and Commissioners’ meetings relative to the area south of the B&O Trail and east of CR 800E with drainage issues. No action was taken.

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IN THE MATTER OF FAIRGROUNDS

Commissioner Palmer requested John Ayers to check with Jack Jones, Fairgrounds Facilities Manager, on some materials they are hauling to the Fairgrounds.

Mike Graham reported Terry Kennard, Fleet Manager, had advised him the Fairgrounds staff want to sell the old 1994 Chevrolet truck that was given to them by the County and that Mr. Kennard is working with them on the sale of this vehicle.

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IN THE MATTER OF USE OF COURT HOUSE

Receipt was acknowledged of a call from Julie Southworth requesting approval for a White, Berry and Murdock bus tour to stop by the Hendricks County Court House to give some political speeches on the Court House lawn on Friday, October 15, 2010. It noted the speakers will be: Charlie White, candidate for Secretary of State; Tim Berry, candidate for State Auditor; and Richard Murdock, candidate for State Treasurer. Ms. Southworth stated Senator Connie Lawson plans to attend to introduce these candidates and that they will take care of all notices to invite the public to hear them. She stated they are asking only for approval to stand on the lawn and speak to the public. Danville will be their first stop of the day as they plan to travel around the state speaking to the citizens of Indiana and should arrive here around 9:00 AM. It was the consensus of the Commissioners to grant this request.

Receipt was acknowledged of a request from Gale Hutte, Prosecutor’s office, to use the Court House rotunda

and lounge for a bridal shower for Amanda Clements, Prosecutor’s office, on Thursday, September 23, 2010 for immediately after work until 5:30 PM. She stated this will be for employees only and that she will clean up after refreshments in the lounge. It was the consensus of the Commissioners to grant this request.

Receipt was acknowledged of an email from Tina L. Rogers, Custodian, requesting the use of the Court House rotunda and lounge for her wedding and a small reception on Saturday, December 18, 2010 for two hours. Ms. Rogers stated they will take care of the decorations and clean-up. It was the consensus of the Commissioners to grant this request.

It was reported the Thompson wedding that was previously granted approval for use of the Court House for a wedding on Saturday, November 20, 2010 has been cancelled. It was noted the bride’s mother came in and picked up the deposit check on Friday, September 17, 2010.

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IN THE MATTER OF EXECUTIVE SESSION

Commissioner Whicker read the following memo to file relative to the Executive Session held at noon on September 14, 2010 in the Circuit Court Jury Room at the Court House:

**TO:**            *File*  
**DATE:**        *September 14, 2010*

*We hereby certify that the only matter discussed during the Hendricks Board of Commissioners Noon 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*  
*Eric L. Wathen, Vice President*  
*Phyllis A. Palmer, Member*

It was the consensus of the Commissioners to sign this memo to file for the Executive Session of September 14, 2010.

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IN THE MATTER OF WEIGHTS AND MEASURES

Receipt was acknowledged of the Weights and Measures Monthly Report for September 15, 2010 from Charles Colbert, Weights and Measures Inspector.

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IN THE MATTER OF WORK RELEASE CENTER

Receipt was acknowledged of the August 2010 Report of Collection for the Work Release from Bridgett Collins, Director of Work Release Center.

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IN THE MATTER OF TOWER LEASE

Receipt was acknowledged of the September 14, 2010 letter from Crown Castle advising that all future payments for lease of the tower at the Highway Garage will be included in only one annual check and will be direct deposited.

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IN THE MATTER OF TRANSFERS

Commissioner Whicker referenced two transfer letters for approval and execution:

Transfer \$15,000 From: 100-36602-000-135: Vehicle Maintenance, To: 100-37850-000-135: Rent  
Transfer \$5,000 From: 100-32600-000-135: Telephone, To: 100-32103-000-135 Military Burial

Commissioner Wathen moved to approve and sign the two transfer letters, as presented. Commissioner Palmer

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

IN THE MATTER OF HUMAN RESOURCES

Receipt was acknowledged of the September 6 – 17, 2010 Human Resources report from Ron Love, Human Resources Director.

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, Construction Application Plans and Specifications for Sanitary Sewer, Hession Fields Section 2, Permit Approval, Brownsburg, IN
- 2. IDEM, Office of Water Quality, Facility Construction Section, has received a wastewater treatment plant permit application from the West Central Conservancy District, Avon, IN.

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

- 1. Checks received and signed to the county:
  - a. The Cincinnati Insurance Company                      \$94,837.95              Vaccine Claim- Health Department
- 2. Whicker signed vehicle titles for the following:
  - a. 2007 Chevrolet Malibu                                      Prosecutors’ Office
- 3. Documents needing action:
  - a. The Cincinnati Companies                                      Bond Release   Damien Wiles

IN THE MATTER OF LIABILITY, CASUALTY AND PROPERTY INSURANCE

Mike Graham presented the recommendations from Mark Forsythe, Insurance Audit, regarding the agents and the assignment of insurance companies. He explained Mr. Forsythe has more agents and companies participating in the second round than anticipated, however, increasing the number of companies increases the competition and will produce lower bids. Mark Forsythe presented a chart listing Hendricks County Government Market Assignments, Rating Sheet and a draft letter from Insurance Audit to the seven insurance agencies. He explained the information provided and the steps in this process. Mr. Forsythe requested to send the Agent of Record letter to: Tackitt, Johnson Mallott Williamson, HBG Wiggins, Stevenson-Jensen, Mantooth, Hometown and Hylant, with the letter valid until January 15, 2011, unless revoked earlier in writing, by an authorized representative of the Board of Commissioners of Hendricks County. Commissioner Wathen moved to send the Agent of Record letter to the agents recommended by Mark Forsythe: Tackitt, Johnson Mallott Williamson, HBG Wiggins, Stevenson-Jensen, Mantooth, Hometown and Hylant. Commissioner Palmer seconded the motion and the motion was approved unanimously 3-0-0. Mr. Forsythe stated the letters will be sent tomorrow, September 22, 2010. Commissioner Palmer expressed appreciation to Mr. Forsythe for this assistance in this matter.

IN THE MATTER OF HUTCHENS

Receipt was acknowledged of an Order on Plaintiff’s Praeipe for Ruling on Plaintiff’s Motion for Summary Judgment in the case of County of Hendricks County vs William D. Hutchens for bringing a deadly weapon into the Hendricks County Courthouse on September 11, 2006 and judgment against defendant, William Hutchens, in the amount of \$100.

IN THE MATTER OF ANIMAL CONTROL

Commissioned Whicker announced there would be a meeting of the Animal Control Advisory Group today at 6 PM in the Government Center.

IN THE MATTER OF PUBLIC RECORDS COMMISSION

Commissioner Whicker announced the Public Records Commission will meet on September 22, 2010 in the Circuit Court Jury Room at 11 AM.

IN THE MATTER OF COMMUNICATIONS

Mike Graham reported the Communications Governing Board is working with the law firm of Baker & Daniels for the Legislature Study Committee meeting on September 28, 2010 relative to funding. He stated the Governing Board representatives, Executive Director Larry Brinker and he will meet with representatives of Baker & Daniels on September 23, 2010 to prepare for this meeting.

Mike Graham stated Attorney Scot Chinn, Baker Daniels, explained during the Communications Governing Board meeting on September 15, 2010, that Home Rule cannot be used by the Communications Governing Board and the County to establish a utility fund for the Communications Center.

IN THE MATTER OF IACC CONFERENCE

It was noted the annual IACC (Indiana Association of County Commissioners) Conference for 2010 will be held November 29 to December 2, 2010 at the Sheridan Hotel & Suites at Keystone at the Crossing in Indianapolis, Indiana. Reservations will need to be made for those planning to attend.

Commissioner Palmer moved to adjourn the Commissioners’ meeting at 10:45 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

