

Tippecanoe County Board of Commissioners

Meeting Minutes

Monday, June 21, 2021

10:00 am

Tippecanoe Room, Tippecanoe County Office Building
20 N 3rd Street, Lafayette, Indiana

Commissioners present President Thomas P. Murtaugh, Vice President David S. Byers and Member Tracy A. Brown.

Also present: Attorney Doug Masson, Auditor Robert Plantenga, Commissioners' Assistant Paula Bennett, and Recording Secretary Jennifer Wafford.

- I. **PLEDGE OF ALLEGIANCE** – President Murtaugh called the meeting to order and led the Pledge of Allegiance
- II. **APPROVAL OF MINUTES** from Monday, June 06, 2021.
 - Commissioner Byers moved to approve the minutes as presented, second by Commissioner Brown. Motion carried.
- III. **PRESENTATION OF ACCOUNTS PAYABLE** – Paula Bennett presented and recommended:

The claims from June 10, 2021, through June 21, 2021, were recommended for approval without exception.

 - Commissioner Brown moved to approve the Accounts Payable as presented, second by Commissioner Byers. Motion carried.
- IV. **PRESENTATION OF PAYROLL** – Paula Bennett presented and recommended:

The payroll from June 11, 2021 was recommended for approval without exception.

 - Commissioner Brown moved to approve the Payroll as presented, second by Commissioner Byers. Motion carried.
- V. **HIGHWAY** – Stewart Kline presented and recommended:
 - A. Open Bids- Clegg Memorial Garden Pedestrian Crossing
No bids were submitted for the project. Stewart Kline, Highway Executive Director, advised that he would contact the three plan holders and find out why they did not submit a bid. Once that is completed, he will need to re-advertise for the bid submittal.
 - B. An LPA consulting contract with DLZ Engineering for Right-of-Way Services for the reconstruction of Morehouse Road, not to exceed \$265,985.
 - Commissioner Byers moved to approve the contract as presented, second by Commissioner Brown. Motion carried.
 - C. Street Acceptance in Hickory Ridge Subdivision, Phase 3, Section 2, for Beringer Court (613.45'), Beringer Drive (558.82'), and Fieldstone Drive (521.60').
 - Commissioner Brown moved to approve the street acceptance as presented, second by Commissioner Byers. Motion carried.
 - D. Street Acceptance in Auburn Meadows Subdivision, Section 2, for Arena Drive (145.02'), Endurance Drive (383.70'), Foal Drive (1,676.22'), Fossey Street (642.31'), and Hayloft Drive (1,057.04').
 - Commissioner Byers moved to approve the street acceptance as presented, second by Commissioner Brown. Motion carried.

- E. Street Acceptance in Fieldstone Subdivision, Phase 2 for Colcester Lane (448.07'), Confidence Drive (140.64'), Groom Lane (81.90'), Kingsrail Drive (939.10'), Shale Crescent Drive (1,563.04'), Silvercreek Drive (476.58'), and Thorny Lane (255.39')
- Commissioner Brown moved to approve the street acceptance as presented, second by Commissioner Byers. Motion carried.
- F. A 3-year Subdivision Maintenance Bond with Milestone Contractors, in the amount of \$28,645, for Hickory Ridge Subdivision, Phase 3, Section 2. Also, a 3-year Subdivision Maintenance Bond with Atlas Excavating, in the amount of \$12,821.50, for Hickory Ridge Subdivision, Phase 3, Section 2.
- Commissioner Byers moved to approve the maintenance bonds as presented, second by Commissioner Brown. Motion carried.
- G. A 3-year Subdivision Maintenance Bond with Atlas Excavating, in the amount of \$101,675.90, for Auburn Meadows Subdivision, Section 2.
- Commissioner Brown moved to approve the maintenance bond as presented, second by Commissioner Byers. Motion carried.
- H. A 3-year Subdivision Maintenance Bond with Milestone Contractors, in the amount of \$56,430, for Fieldstone Subdivision, Phase 2. Also, a 3-year Subdivision Maintenance Bond with Merritt Contracting, in the amount of \$90,651.90, for Fieldstone Subdivision, Phase 2.
- Commissioner Byers moved to approve the Maintenance Bond as presented, second by Commissioner Brown. Motion carried.
- I. Continuation Certificate for Maxwell Farm Drainage, Inc., in the amount of \$5,000, to work in all county Right-of-ways.
- Commissioner Brown moved to approve the certificate as presented, second by Commissioner Byers. Motion carried.

VI. RESOLUTION 2021-21-CM, Innkeeper Tax Fund - Doug Masson presented:

Attorney Masson advised that this resolution establishes the County Share Innkeepers Tax Fund. This is in response to state legislation, which changed the distribution of the County Innkeepers tax. Previously 30% of the distribution went to the Department of Natural Resources (DNR), but now only 10% goes to the DNR, with the other 20% going to the County Council who determine use. This resolution creates a fund for that money to be deposited into once the Innkeepers Tax is distributed to the various entities.

- Commissioner Byers moved to approve RES 2021-21-CM, second by Commissioner Brown. Motion carried.

VII. RESOLUTION 2021-22-CM, Opt-Out of Opioids Settlement - Doug Masson presented:

Attorney Masson advised that this Resolution is to opt out of the state opioid settlement. The City of Lafayette and the City of West Lafayette had also done something similar a week or two ago. The County's Class Counsel, who's representing the County as part of the class-action lawsuit, has recommended that the County opt out. This is in response to the State legislation that was passed which basically says that if the County doesn't opt-out, then they are bound by the State Settlement and an Individual or class case can't proceed. The understanding is that 15% of the settlement under the State's statute goes to political subdivisions across the state, and if the County pursues its own class-action their return could be greater. Additionally, there is a possibility with the statute that if the County has sued an entity that the state has not, there could be a chance of no recovery against that entity. Under the state Statute, there is a 60-day window where the County could opt back in if they so choose.

Commissioner Murtaugh asked if there had been any counties that had opted-in to this settlement? Attorney Masson advised that no one opted in because of the statute that was passed; all political subdivisions were included as part of the State settlement, which forecloses their ability to pursue settlements on their own unless they take action to opt-out.

- Commissioner Brown moved to approve RES 2021-22-CM, second by Commissioner Byers. Motion carried.

VIII. RESOLUTION 2021-23-CM, Fairgrounds Support Fund- Doug Masson presented:

Attorney Masson advised that this Resolution creates the Fairgrounds Support Fund. It reflects the fact that the construction on the Fairground renovation is close to completion, and the County expects to generate more revenue than previously and incur more expenses. The Resolution states that revenue received through deposits, leases, and any other money appropriated by Council will be deposited into this fund, and then it can be used to pay anything in support of the fairgrounds. Expenses that can be paid from this fund would include maintenance cost, cost related to improvements, reimbursement of event deposits, insurance cost, salaries, payments to vendors providing services, and transfers to other County funds to offset fairgrounds related expenses to those funds.

Auditor Plantenga asked if this was rental fees or other revenue sources? Commissioner Byers advised that initially, it was because of the corporate sponsorship they were working on receiving, but the rental fees were added in. Auditor Plantenga stated that the General Fund has some salaries for the Fairgrounds budgeted out of it, and there would not be enough money put into the new fund to support the salaries at the beginning.

Commissioner Murtaugh asked if there was a better alternative to this problem? He asked if keeping the revenues in the General Fund, and using this fund just for sponsorship work better? Auditor Platenga stated that he would like to see the rental revenue staying in the General Fund until the budget that is put in the General Fund for Fairgrounds purposes has been met. Currently, all of the expense of the Fairgrounds is paid out of the General Fund, with the exception of the new employee that is paid out of a different fund. The current General Fund Revenue that is budgeted for the Fairgrounds is \$50,000.

Commissioner Byers stated that he could agree with the rental revenue staying in the General Fund. The purpose of this resolution is to create a fund for the sponsorship revenue. Attorney Masson advised that the resolution can be amended to not include the rental revenue.

The amendment will remove the rental revenue and only include revenues generated by and through commercial sponsorships at the fairgrounds, money appropriated by Council for deposit in the fund, and donations intended for deposit in the fund.

- Commissioner Byers moved to approve RES 2021-23-CM as amended, second by Commissioner Brown. Motion carried.

IX. CREATION OF NEW POSITION / PROSECUTOR'S OFFICE – Patrick Harrington presented and recommended:

The creation of a Full-Time "Administrative Coordinator- PAT III" for the Prosecutor's office, to begin this year. Prosecutor Harrington advised that the process for this new position started back in 2019 and that it had been approved by the HR Personnel Committee. The creation of this position had been put on hold due to working on staffing Superior 7 and then because of COVID-19 last year. The position is now being brought to the Commissioners for their creation and approval. There is only one Office Administrator that handles the payroll, grand, billing, and interviews. The Prosecutor's office had grown to the size of 70 people, so there is a need for the additional administrative position. Commissioner Murtaugh asked how this position would be funded? Prosecutor Harrington advised that it would be funded through the General Fund.

Commissioner Murtaugh asked when this position went through the HR Committee?

Shirley Mennen, HR Director, advised that it had been a while but that they had been working on this position back in 2019 to get it ready to present for the 2020 budget. The position was then sent to Wagner for classification; after that, the position went before the Personnel Committee.

Commissioner Murtaugh advised that if the Commissioners approve the position, and for some reason, the Council does not, the position would need to be eliminated.

- Commissioner Brown moved to approve the new position of "Full-Time Administrative Coordinator (PAT III) as presented, second by Commissioner Byers. Motion carried.

X. APPOINTMENT TO TIPPECANOE COUNTY REDEVELOPMENT COMMISSION

Commissioner Murtaugh recommended Kris Lowe be appointed to the Redevelopment Commission to finish the term for Bart Burrell's position being vacated through his resignation.

Commissioner Murtaugh thanked Mr. Burrell for his many years of service to the Redevelopment Commission.

- Commissioner Brown moved to approve the appointment as presented, second by Commissioner Byers. Motion carried.

XI. VILLA APPLICATION:

- Commissioner Byers moved to approve the application to the Villa for James Henry as presented, second by Commissioner Brown. Motion carried.

XII. GRANTS – Sharon Hutchison presented and recommended:

Permission to Apply for Grants:

For Community Corrections, for the Indiana Healthy Workplaces Grant, to provide workplaces with funding and technical assistance for health-focused activities and programs that benefit the wellness of employees and their families.

- Commissioner Byers moved to approve applying for the grant as presented, second by Commissioner Brown. Motion carried.

MOU/Contracts

1. A Vaccine Reimbursement Contract for the Health Department, with the Indiana Department of Health, for vaccines administered through December 31, 2021, as set in the contract for reimbursement prices.
 - Commissioner Brown moved to accept the contract as presented, second by Commissioner Byers. Motion carried.

Approval of minutes and written comment response to public comment for SRF Public Meeting held May 17, 2021, concerning the PER for ABC Regional Sewer District.

- Commissioner Brown moved to approve the minutes as presented, second by Commissioner Byers. Motion carried.

XIII. CHANGE ORDERS

Tippecanoe County Central Offices

1. Change order #4 with Mulhaupt's, Inc., in the amount of \$5,151, to complete the following:
 - a. Add a 3-0 x 7-0 door for an added 3 5/8" stud wall mechanical room in Existing Locker 156. Welded HM Frame. LHR maple wood door. Storeroom lockset keyed like a mechanical room.
 - b. Complete, 90 min rated opening consisting of 6070 hollow metal frame with weather stripping, hollow metal doors, hinges, storeroom lock, self-latching

bolts, closers, coordinator, automatic, door bottoms, threshold, split astragal, and wall stops.

- Commissioner Brown moved to approve the change order as presented, second by Commissioner Byers. Motion carried.
2. Change order #6 with Sheplers Construction Co., in the amount of \$3,420, to insulate masonry cores that were disturbed during demolition and mechanical routing.
 - Commissioner Brown moved to approve the change order as presented, second by Commissioner Byers. Motion carried.
 3. Change order #2 with Huston Electric, in the amount of \$50,000, to complete the following:
 - a. Cut and structurally support the concrete wall in the basement mechanical room for the installation of ducts and louver systems.
 - b. Provide and install an indoor nema 1 rated Blue Star 100kw generator.
 - Commissioner Brown moved to approve the change order as presented, second by Commissioner Byers. Motion carried.
 4. Change order #3 with Huston Electric, in the amount of \$52,670, to complete the following:
 - a. Add 7 ea. RI for-freezer data drops for 14 ea. The Security Contractor will run the cable and terminate.
 - b. Add 11 ea. data drop in Clerks 143 for a printer. Include RI and cable.
 - c. Add 2 ea. surface mount wire mold locations to relocate data drop locations shown on plans, 1 ea. in Office 174 and 1 ea. in Office, 175. Cover plate and abandon existing data drop locations.
 - d. Provide and install a 200 amp ASCO transfer switch.
 - e. Provide and install an emergency panelboard.
 - f. Provide and install conduit and wire from the generator to transfer switch, from main gear to transfer switch, and from transfer switch to EM panelboard.
 - g. Provide and install conduit and wire for all emergency lighting loads in the building: dedicated circuits for the health department refrigerators, gym receptacles, and the IT room.
 - h. \$12,000 has been deducted in this pricing for the deletion of backup batteries and UPS systems.
 - i. Provide and install a concrete housekeeping pad.
 - j. Provide and install generator room signage.
 - Commissioner Brown moved to approve the change order as presented, second by Commissioner Byers. Motion carried.

Tippecanoe County Fairgrounds

1. Change order #3 with Bill Lawrence Company Inc., in the amount of \$1,779.50, for the following:
 - a. Time and Material final pass through the building. FCO 1164
 - Commissioner Byers moved to approve the change order as presented, second by Commissioner Brown. Motion carried.
2. Change order #10 with Shepler Construction Company, in the amount of \$6,330, to complete the following:
 - a. Fabricate, paint, and install steel support brackets at Building 7 and 9 gutters.
 - b. Add 2 ea. 45' deg., 12" SDR-35 fittings to the top of the east Building 9 downspout.
 - Commissioner Byers moved to approve the change order as presented, second by Commissioner Brown. Motion carried.

- 3. Change order #3 with Eberhardt Heating & Cooling, LLC, in the amount of \$4,111.75, to complete the following:
 - a. Credit for unused RTU filters.
 - b. Add Electric Room 132 transfer air fire damper (EHC C010).
 - c. Add ductwork insulation at RTU 9 for extra ductwork length for a building penetration to miss structural steel members (EHC C011).
 - d. Add bathroom exhaust ductwork in the Swine Barn to vent the bathrooms to the outside (EHC C012)
 - Commissioner Byers moved to approve the change order as presented, second by Commissioner Brown. Motion carried.

- 4. Change order #14 with Davidson Excavating, in the amount of \$2,440, to complete the following:
 - a. Make north 20' gate open position to the south.
 - b. Omit single man gate from the Fairgrounds to the Tippecanoe County Central Offices parking lot.
 - c. Replace existing west gate leaf on the north east property entrance drive.
 - Commissioner Byers moved to approve the change order as presented, second by Commissioner Brown. Motion carried.

- 5. Change order #8 with J.R. Kelly Company, Inc., for a deduct of \$8,844.41, for unused allowance.
 - Commissioner Byers moved to approve the change order as presented, second by Commissioner Brown. Motion carried.

XIV. REPORTS ON FILE

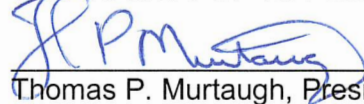
- Tippecanoe County Clerk of the Circuit Court
- Tippecanoe County Treasurer
- Crystal Creek Boarding Kennel
- Tippecanoe County Coroner
- Tippecanoe County Central Mail and Duplicating
- Tippecanoe County Weights and Measures


XV. UNFINISHED/NEW BUSINESS – None

XVI. PUBLIC COMMENT – None

Commissioner Byers moved to adjourn. President Murtaugh adjourned the meeting.


BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE


Thomas P. Murtaugh, President


David S. Byers, Vice-President


Tracy Brown, Member

ATTEST:


Robert A Plantenga, Auditor 07/06/2021

Minutes prepared by Jennifer Wafford, Recording Secretary