

Hancock County Board of Commissioner's Meeting

November 20, 2018

Commissioners met in regular session. Those present were Board of Commissioner's President Brad Armstrong, Vice President John Jessup and Commissioner Marc Huber. Auditor Robin Lowder, Deputy Auditor Trish George and County Attorney Ray Richardson were present.

Hancock County Board of Commissioner's meeting began at 8:08 am

Highway Department

Gary Pool, Highway Department, appeared before the Board of Commissioners to discuss:

Drive variance against county code 155.072A asking for 2 drives versus 1 drive. Commissioner Huber made a motion to approve the variance for a second driveway at 3496 South 500 West, New Palestine. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Bond release for Richman LLC 1133 West Main Street Suite E, Greenfield, Indiana for \$17,278.75 for storm drainage and curbs. Commissioner Huber made a motion to release the bond for Richman LLC for storm drainage & curbs in the amount of \$17,278.75. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Most contractors did not want to carry over prices. Indiana Traffic Services LLC, our paint strippers, will be carried over next year. Everything else will be rebid. Commissioner Huber made a motion to carry over the 2018 contract for Indiana Traffic Services LLC. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

INDOT reimbursement letter for New Palestine Bridge. When they build this bridge they will divert a large amount of SR 52 traffic to Stinemyer road. They estimated the Fortville Pike Bridge would be closed only 3-4 months, looking at it raises concern. Gary would like a letter signed for reimbursement for road damage due to detours (550 West, Stinemyer and 500 West). Commissioner Armstrong concerned with 11 month closure. Commissioner Huber made a motion to accept the letter of understanding with the Indiana Department of Transportation on the unofficial detour of the US 52 Bridge over West Little Sugarcreek for reimbursement for wear/tear on detour roads. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Did not win the Community Crossings Grant (will reapply in January). Grants are submitted for Category 1 & 4, Highway Safety Improvement and Transportation Alternative Program, Stinemyer between 550 West & 500 West (bypass on South side of New Palestine) were on there, 600 West (between Sugarcreek Elementary South to CSX) is on there. Stinemyer is about a \$1M project. 600 West is about a \$7M project. These grants are submitted.

Bridge rehab bids are advertised (asphalt, stone to steel). December 18th meeting will be lengthened with material bids. Bridge rehab contracts will be about \$600,000-700,000 contracts. Rehab is a lot cheaper than replacing.

IAC is November 27th and 28th.

Maintenance

A driver jumped the curb hit the court house building and a sign. No damage was done, just needed to push sign back in ground. Dean Mullins will hold off signing on insurance release for two weeks.

Dean confirmed ice season is well covered.

Claims & Payroll

Commissioner Jessup made a motion to approve claims and payroll as presented. Commissioner Huber seconded the motion. **Motion carried 3-0.**

Commissioners Minutes

Commissioner Jessup made a motion to approve Commissioners' Minutes for 11-05-18 as presented. Commissioner Huber seconded the motion. **Motion carried 3-0.**

RQAW

Roger Stephens and Pete Peterson with RQAW updated the Commissioners on his progress. Roger sent updated contract to Ray Richardson County Attorney for review. Geotech completed and received a good review. Surveys in process and should finish tomorrow. Met with Gary Pool about curb cut and started process with INDOT. Met with Mike Dale on planning and property will need to be rezoned. Met with Susan Bodkin Surveyor to start designing the drainage. Met with City of Greenfield for the water and sewer, they

guaranteed they could meet the timeline. Met with the Sheriff and his staff to start design process. Pete has the site plan. Left front for commercial and future county use and left room for expansion in the back. Pete said this Super Pod will include Sheriff's office, laundry and kitchen.

Commissioner Armstrong said the next step would be to get through schematic design and lock in a cost of \$400,000. Pete said the first portion of schematic design would be finished this year.

Attorney Richardson questioned estimated cost differences from RQAW. Commissioner Armstrong clarified those estimated cost were never agreed on and they were purely estimated at that time. Commissioner Armstrong also said if RQAW saves money when building, they would like to share in the savings because they are doing this for profit. Commissioner Armstrong would like to have the best business partners and the best contractors. Commissioner Jessup said County Attorney Richardson makes it sound like RQAW inflates the cost and this is not the case. They will send out for competitive bids and then choose the best bid. Attorney Richardson said this will be the first time ever that the cost savings provision has been in a Hancock County Contract. The architects were originally sufficiently inspired by what they were going to be paid on a regular basis. Commissioner Jessup asked Attorney Richardson if he had legal opinion to offer on what we would like to do is legal or not legal? Commissioner Jessup said he is really sick of hearing his opinion on everything. Attorney Richardson said Commissioners are free to spend as much money as they want and will do as they please. Commissioner Jessup said I understand that. If we ask for your legal opinion give it to us. I am tired of your opinion. Commissioner Armstrong read from the contract architects total fee should not exceed more than \$3,360,000 for the whole project. RQAW said that is for owner's rep and architecture.

Commissioner Armstrong summarized; before us is an amendment to our existing document that would allow us to get through schematic design of a new sight. The change in that amount would be \$400,000. For reference, the original contract for architectural fees was \$4.4M and it was revised down to \$2.85M. The project's success fee was decreased from \$1.1M to \$510,000. Architects fee should not exceed \$360,000 under this agreement.

Commissioner Armstrong made a motion to enter into AIA document G802-2017 the Amendment to Professional Services Agreement. This allows Commissioners to spend \$400,000 out of Rainy Day for this 2018 for work to be completed this year for schematic design. This will get us through schematic design on a new site. Commissioner Jessup seconded the motion. Commissioner Armstrong stated this is certainly not my first choice pick for where this jail needs to be built. However it's what we can get accomplished. After

researching this, I think there are some benefits to the off-site for future expansion and areas of programming. I think we can decrease construction cost. I want less architecture. I want just a box. I want to cut cost as much as possible and get offices in there. We are trying to get the most out of tax payer money. Functionality is the most important. Commissioners recognize there will be an increase in cost and hope that Greenfield will assist in these cost increases.

Commissioner Huber stated there are some people that would like to say a few things and be my guest. But for my two cents, everyone knows where I stand. I think this is irresponsible, nothing against RQAW, I know you have done what you have been tasked with. But we spent two plus years designing the downtown campus. Everyone skipped down that path, wasted tax payer money, time, effort and resources. It's the same story, the city doesn't want it down town because it's too close to the trail or its going to take away from the their AV or they just don't want it down there. Then we talk about wanting to tip up walls out there on the county farm and not make it appealing. If it's such a big deal for the city and were conceding it is big deal for the city because we are considering moving it out there. Why does the county tax payer not deserve as much as the city tax payer? The transportation cost no one has even put a figure on that. Has anyone even ask a figure? I have asked a figure and have a ball park figure. But no one knows that, till you start doing the work. Typically we I know when we all start doing something it's always more than we expect it was going to be. That's a yearly reoccurring cost. That's insurance, that's health insurance, that's liability insurance and retirement. I think this is extremely unfair to the tax payer. I think this is taking advantage of the tax payer. I know it gets something done, but so does the down town campus. The city of Greenfield puts in almost 50% of the prisoners. We're talking about nestling it in between the annex, the existing jail and a junk yard. The city has told us they have no plan to clean up that junk yard. So most people drive by and don't even know what those building are. The City Council and County Council are holding everybody hostage. I think everyone needs to remember whose job is whose? If the Council doesn't have the money to do the full project, then they should have come back and said we have \$25M or \$30M and you need to come up with a downtown plan within those plans. Now we can come up with \$25M or \$30M but you have to do it here, that's not how things work. We have checks and balances for a reason people. Me personally rights right and wrongs wrong. This has all been done wrong. I personally am not willing to sacrifice that. There has got to be collaboration amongst every party and this has not been the case. I didn't get into politics to have friends, I got into it to do what's right for the tax payer and moving this to the county farm is just not the right thing to do period and that's how I feel. I will go down with the ship and I will keep arguing about it because it is just not right.

Commissioner Armstrong asked Commissioner Jessup if he had any comment. Commissioner Jessup said I have no cents. Commissioner Armstrong asked for Public Comment.

Charlie Cook wanted to know how much more it will cost to go to County Farm from downtown. Charlie is concerned with water, sewer, electric, phone lines and transportation cost. Commissioner Armstrong said after schematic design they will have more accurate numbers. Commissioner Armstrong estimates \$500,000 additional cost for being off campus with transportation and inefficiencies. Charlie feels the jail should be at the downtown location to save cost.

Bob Mattsey spent time on the Hancock County Website reading the Council and Commissioners meeting minutes for 2018. He thought it was impressive the Commissioners meeting discussed the jail almost every meeting. The County Council hardly discussed the jail at meetings only toward the end, when it became contentious for whatever reason. In government there is a pecking order city, town, county, state and federal. How is the City Council of Greenfield, the Mayor and the County Council deciding what you are going to do? I don't understand that at all. They are telling you where you are going to put a jail. That's not their job. Their job is to take what you present to them and find a way to pay for it. They are failing and don't seem to care. I don't understand how any of that happens. So I went through Council and Commissioners minutes and started looking through things. The bottom line, since 2010 it's very difficult to determine how much money has already been spent. You have spent a lot of money and you are no closer now than you were in 2010 to having a jail. We have elected a new Sheriff and you are setting him up to fail and he is a good man. You are setting him up to fail, because you are not giving him what he needs. I am not pointing this at you, please don't take it that way. I am looking at winners and losers. So far I see the taxpayers being the big losers. No disrespect, RQAW seems to be the only big winner. They are making good money off of this, because you change the plan and they keep coming back. I just listened to more money being authorized for them between now and the end of the year. Also interesting when you go through and see (in these minutes) what we really care about is trails in this county. We have already spent over \$200,000 that I could recognize on trails. That seems to be possibly more important than or equal importance to building a jail. A lot of things do not make sense when you look at things. You give tax abatements to industry because you want the tax revenue from the business. But you don't get it for years. But understand every time you bring in a business this brings people and this is called progress. But this increases the services that you now have to provide to citizens of this county. But you don't have the money to pay for it, because of the abatements. So you have a jail that is needed and has been needed for a long time. It appears you still don't know how you are going to pay for it. You don't have a time line. You don't know for sure where it will be. It appears, not by choice, you are starting to bend and it's going to be at the county farm.

Is that the best choice? I don't think so. Not for this county. Not for the taxpayer. You will spend a lot of money to go out there. I guarantee you, once you get that nice location built out there, the city is going to turn around and annex it so they can get the tax revenue from it. You know they are. What are they going to do with it? It appears you are going to piece meal this whole thing. You are asking the new Sheriff to manage two jails. I would tell you to kiss off. How is he going to do that safely? Do it with the right amount of staff? I don't understand how these things are going to work? Accidents can happen from there to here. So you have an accident with a van full of prisoners. What's going to happen? If you watch movies, they get away. There is a public safety issue with transporting those people back and forth. We are concerned with the prosecutor's office, the probation office, getting all the stuff in one place. You won't be able to do that with the amount of money you are talking about. You will need a lot more money than what is being discussed so far. Sadly so far, most of the money discussed is reach up and grab a number. Trying to pin RQAW down to a cost, they can't, because you have not gone out for bid yet. That's where the reality is going to hit and that's going to be much more of a sad picture than you think it's going to be when it's all said and done. Finally the time line around what's going to take place and when. You have a situation already there is a lawsuit due to overcrowding. How long will it take to build a jail, if you said ok today? Sounds like a year. Sounds like you aren't going to build a full jail, to where you are going to house all the prisoners. It's just enough to take the load off the problem you have right now. That is really not going to solve the problem. The bottom line what is going to happen is the state will come in and say Hancock County enough is enough, you need to fix this. State will mandate you fix this. Because you are already probably failing on inspections. The next thing to happen will be a lawsuit and what will that cost \$55M. It could, you don't know. Something will happen to a prisoner or something will happen to the Sheriff's staff and I don't know how you sleep at night if someone ends up maimed for life or killed, because we sit here and talk about something for eight years. So the bottom line, I see the position you are in and it is sad, because you are having to make decisions and do things you don't really want to do. But politics is all about playing a game and you got to do what you got to do, but this is not right. Thank you.

Commissioner Armstrong said I appreciate your comments. I would like to answer a few questions. County Council is committed to fund this project and that is one of the key things that has made me swallow the location not being where it needs to be. They have agreed to fund the project and fund the staffing to make the project happen. So in a one year time frame we can have an overcrowding issue addressed and have the staffing. That will transition over a two year time frame when the entire facilities complete will have the same amount of beds we originally proposed 440 beds in the two pods completed operations. So we do have a proposal for what will be funded and the amount of staff that will be funded. An interim plan over one year to help and at the end of two years have it completed. What we won't know until schematic design is done is how far along it would be to move the

sheriff's offices out there and what that looks like. That part is in play and is not included. That's how we got to where we are not making this decision. We own that property out there, we don't own this property. Beholding to the zoning laws a little bit, if we fight that in court, our Council would have to be along with this and fund it. They weren't willing to do that. Ultimately with the checks and balances, we could fight one entity. We could fight Greenfield or we could fight our Council. I don't think we as Commissioners can fight both of those entities, we are just not in a position to do that. Time is our biggest enemy and when I first ran in 2008, I talked a lot about the jail and overcrowding and we needed to come up with a plan. I have been working since that time to get something done. I am extremely frustrated that we are where we are at. What you said about where we are at and getting our staff hurt and the position where we are in. We can fix that in a two year window. The downside is we are going to forever pay with inefficiencies of a broken campus, but we can at least get that done. What I can't do is the last 2-3 years we have hit this really hard every meeting. If you go back another two years, I think we discuss every meeting in 2017 and half the meeting in 2016 where we discussed jail issues. I don't think we have the luxury of going back to ground zero without getting federal lawsuits and someone hurt. We already have staffing issues. It's a difficult job on its best day, but it is much more difficult when you are staffed with more prisoners than should be in there. That's how I got to where I am at.

Commissioner Huber said if you want to talk about speedy, there is a plan on the shelf that could be sent out to bid in 2-4 weeks and we were close to that weren't we Roger. Roger said we were at schematic yes. Commissioner Huber said we were all but ready to send it out to bid, so we had a plan, it's not that we don't have a plan, it's that we are being forced to not use the plan we think is best.

Bob Mattsey so one final question you have a plan ready to bid in 2-4 weeks. So you have the money sitting there that you don't have to ask someone for or get approval for or grants it just sitting there? You have the \$35M or whatever?

Commissioner Huber the money can be allocated to whatever plan they wanted too. If they can afford the county farm, they can allocate that same money at the downtown campus too. There is a plan on the shelf that could be sent out for bid before Christmas.

Bob Mattsey is that money truly sitting there where in 2-4 weeks you could put bids out and in a year we hand the new Sheriff keys to a jail?

Commissioner Armstrong clarifies Council has agreed to raise income tax to pay for what amounts to 16 jailors and approximately \$28M in construction cost. This will house 404 inmates, depending on dormitory/programming space in two years. In one year 150 beds should be available.

Bob Mattsey so the temporary POD solution downtown to off load the crowding is thrown out now? Commissioner Armstrong yes. Commissioner Huber why is that? Commissioner Armstrong because of those other entities. Commissioner Huber because the Council won't fund it that's why. All those same plans could be done right here. They could allocate that money and we have the same bed space right here in a year the same bed space in two years and they could still walk them across the street. So the only thing is they are holding us hostage because they will not fund anything that is not at the county farm. Bob Mattsey stated he is going to the Council meeting to ask them the same questions.

John Sparks wanted to reiterate some things. Being a rural resident of the county, the rural residents that aren't already up against the tax cap will be the end losers in this when we start doing \$5M bonds. The city of Greenfield which is attributing 50% of the prisoners is already up against the caps so the reality is the residents of Greenfield are going to pay absolutely nothing to fund this jail the way it is going to be done. I understand there is a referendum unfortunately it failed to make it a more equitable taxing solution. The sad part is all of the games that have evolved over the last couple of years in the planning of this the rural people of the county are the ones that are really going to end up paying the most per capita for all the shenanigans to get a jail at the county farm. That was my main point. Thank you.

Commissioner Huber my last plea would be if we didn't have the Council telling us the only place they would fund is county farm. You had our existing downtown plan laying here and where we are at with the county farm right now and you didn't have the Council breathing down your neck telling you what you can and can't do, that would be the plan of choice.

Bob Cook I pretty much agree with the three gentlemen who just spoke. I think this should be downtown versus at the county farm. You are looking at transportation cost, you are not looking at one year you are looking at using this jail for 30-40 years that's a lot of transportation cost and a lot of extra staff. I can hear the Sheriff's department now, I need more people to transport these prisoners back and forth. The fire department is always asking for more people. It will be the same thing with the Sheriff's Department they will need more people. Accidents may happen and it doesn't make sense to have this several miles away when the majority of the prisoners come from the central part of the county. Greenfield is centrally located versus the east side. I agree this thing should not be at the county farm. It should be downtown.

Commissioner Armstrong made a motion to enter into schematic design contract with RQAW for \$400,000. Commissioner Jessup seconded the motion. Commissioner Armstrong those opposed. Commissioner Huber "Nay". **Motion carried 2-1.**

Sagebrook Sub Section 3/Signatures

Todd Schaefer with Arbour Homes I have the secondary plat for Sagebrook Section 3 for signature. Commissioner Huber made a motion to accept the Sagebrook Section 3 secondary plat with a 25' half and 50' full ROW. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Review Status of Hancock County Trails Plan

Mike Dale with Planning Commission for Hancock County trails revisions (3 items). A statement to clarify the county's eminent domain policy was addressed. Farm field access was addressed with a policy regarding how a trail would cross a farm field access. The last item was 200 West taking out near Fortville/McCordsville. If the planning commission agrees these are done. If planning commission does not agree, it will come back to Commissioners. Commissioner Huber has had people contact him regarding when trail planning would come before the Commissioners again.

Commissioner Armstrong made a motion regarding Resolution 2018-11-1 that the phrase in the fourth paragraph where Hancock County Commissioners do not intend will not invoke eminent domain to purchase property for sole use of public trails. Is changed to "Commissioners will not invoke eminent domain. Commissioners also approve the amended map deleting 200 West trail as presented. Commissioners would like to propose farm field access points be specified concrete and minimum of 6" thick and a minimum of 2' past the inner trail ends. Commissioners would like the farm field access points design reviewed and would approve any recommended changes through the County Highway Engineer. Commissioners recommend these changes be sent for review through the Planning Commission. Commissioner Huber seconded the motion. **Motion carried 3-0.**

Tree Removal from Sugar Creek

Susan Bodkin Surveyor wanted approval for tree removal from Sugar Creek 500 East and 1000 North. Commissioner Huber made a motion to approve tree removal from Sugar Creek at 500 East and 1000 North to be paid out of Non-navigable Streams. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

The Hackney MS 40' ½ ROW & Fielder Acres 70' ½ ROW

Phil Going for ROW for Hackney Minor Subdivision. Commissioner Huber made a motion to accept 40' half ROW for Hackney Minor Subdivision Lot 1. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Phil Going for ROW for Fielder Acres. Commissioner Huber made a motion to accept 70' half ROW for Fielder Acres Minor Subdivision. Commissioner Jessup seconded the motion.

Motion carried 3-0.

Sheriff and Community Corrections Car Leasing

Pat Powers and Brad Burkhardt requested car leasing from Enterprise Fleet Rental trial. Brad is on a time line due to last date to turn in claims is approaching. Commissioner Armstrong apologized the County Attorney Richardson added people to the agenda when he was not available. Commissioner Armstrong said it was his understanding we have identified seven vehicles to lease through contractual services contract on a test program. Fleet Enterprise would manage seven vehicles for a test program to see if there is cost savings buying and selling them at the opportune time. Through correspondence with Attorney Richardson that is not what we are doing. My understanding we were engaging them in a professional contract to manage seven vehicles. You said they need to be bid individually. Attorney Richardson said I am through talking, I gave you my advice the total amount is over \$50,000, the law says they should to be bid, you don't want to bid it, I give you my advice. Commissioner Huber clarified this agreement just gives Enterprise Fleet Rental permission to look for vehicles on our behalf of Hancock County. This does not bind us financially. Commissioner Armstrong stated we are not far enough along in this to bid this out, this is a test pilot program. Commissioner Armstrong said after discussion this is the company he would like to pilot program test fleet rental with.

Commissioner Armstrong made a motion to enter into the Enterprise Fleet Management Master Equity Lease Agreement with the revision of 3C being struck and replaced with Amendment 1. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

E-911

John Jokantas current issues at hand may be covered under maintenance, if that is the issue. Contract and scope of work for Ritter Strategic Services Contract. They will come and see what they have/what they need and give insight into operation. Commissioner Armstrong made a motion to sign a contract as presented with RSS we added Hancock County not to exceed \$22,000 to be paid after March 1, 2019 paid out of 911 Surcharge. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

John requested a treadmill be purchased for the department (he budgeted \$1500 for treadmill). Commissioner Armstrong made a motion to authorize purchase out of CCD a treadmill for DOC not to exceed \$1500 to encourage fitness and wellness. Commissioner Huber seconded the motion. **Motion carried 3-0.**

Bond Deposit

Commissioner Huber made a motion to accept the bond deposit letter of credit from Russell Jeffrey in the amount of \$5,000 for Grandview Park maintenance for storm sewer. Commissioner Jessup seconded the motion. **Motion carried 3-0.**

Commissioners Budget Adjustments and Transfers

Commissioner Armstrong made a motion to transfer \$12,000 from Non-navigable Streams, \$2,000 out of Training to Building Maintenance to cover shortfall of \$14,000. Transfer \$15,000, \$5,000 out of Workman's Comp, \$5,000 out of Telephone to Building Maintenance. Transfer \$4,000 out of Recovery, \$4,000 out of Advertising & Legal into Contractual Services. Commissioner Huber seconded the motion. **Motion carried 3-0.**

Assessor's Office

Mary Noe, Assessor requested Commissioners remember contact information for Pictometry. Mary usually signs a six year contract that locks the price in for six years. This contract is signed every two years. There is a clause if you can't afford this, you are not locked in. To get on the calendar you must get on calendar by November 19th. The price will go up and it can be difficult to get on the calendar if you wait too long. She has \$25,000 in CCD to start this. Brad Burkhart with the Sheriff's Department said this is an essential tool used quite a bit in his department.

The Hancock County Board of Commissioners meeting adjourned at 11:26 am

Hancock County Commissioners

Commissioner Brad Armstrong, President

Commissioner John Jessup, Vice-President

Commissioner Marc Huber

Attest: _____
Robin D. Lowder
Hancock County Auditor