

## Randolph County Commissioners

March 17, 2014

The Randolph County Commissioners met at their regular meeting at 9:00AM in the Commissioners and Council Room in the Courthouse with the following members present: Board President Michael Wickersham, William Terrell and Gary Girtton. Also present was Randolph County Auditor Mary Ann Lenkensdofier, Sheriff Ken Hendrickson and County Attorney Meeks Cockerill. Jay Harris was the Council Representative.

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Pledge of Allegiance

Michael Wickersham, President presided over the meeting.

### William Timmons- burnt property in Losantville

William Timmons stated he would like help to clean up a property that is located next to his business. The trash is blowing onto his property and he has to have an exterminator put out bait twice a month to keep rodents away. The health department has already been out to the location to investigate quite a while ago. The owner bought it at a tax sale and lives in Findley, Ohio. William Terrell stated he has tried to call the owner twice and he has not gotten back with him. William Terrell thinks this would qualify for the nuisance's ordinance. Meeks Cockerill suggests the next step would be for the Commissioners to write a letter to the owner. When the owner doesn't comply, then you would have to do the abatement process. You would have to go to the County Council for funding. The problem is there is no line in the Commissioners budget to clean it up. It would have to be cleaned up at the County's expense and would be charged back on the tax roll at which time it might get paid and it might not. Cockerill stated you would need to establish a line in the Commissioner's budget to start the abatement process. William Timmons thought if the letter was sent then the owner would clean it up. Michael Wickersham asked Meeks Cockerill to prepare a letter stating there is a violation of the nuisance's ordinance. William Terrell made a motion to authorize the President of the Commissioners to sign the letter. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

### Cynthia Acree-E911 director logging equipment maintenance renewal

Cynthia Acree presented an invoice to renew the contract on the logging equipment. This equipment logs all phone conversations and radio transmission at the jail. The contract has increased \$258 this year. The equipment is due for an upgrade in the next year. William Terrell made a motion to approve the maintenance contract for the E-911 systems. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Acree stated I was here a year ago about our ERS radio system maintenance. I decide to go another year with the maintenance contract and then decide if we needed to renew it. To renew the maintenance is approximately \$11,000 a year and I would suggest we drop it. We will still retain the ERS system but we pay them per visit for the equipment. If we decide that we need the maintenance, we can go back to an agreement. William Terrell made a motion not to renew the maintenance agreement with ERS Systems. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

### Danny Love- Hwy dept. pro rating of personal days

Michael Wickersham stated when the new hand books became effective; we converted all employees to an anniversary date calculation of their vacation days. Since this was implemented this year, it caused us to pro-rate the days based on their anniversary date. We did not include personal days. Danny Love came to me and questioned the personal days. Paula Albin stated we could pro-rate the personal days for everyone in this year. Wickersham explained when the anniversary date hits then they will get 3 more personal days. The prorated days are not addressed in the hand books. Wickersham and Cockerill had thought we were pro-rating personal and vacation days. William Terrell made a motion to treat personal days the same as vacation days in pro-rating for the anniversary date for this year. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Danny Love stated he has a bridge on 400 North between 100 and 200 West that needs to be replaced. I have a quote from Hoosier Pride Construction for the cost of removing and replacing it for \$54,960. The county's share would be \$24,664.68. Since this is under \$150,000 all we need is a quote instead of a bid. Hoosier Pride could start on the first of the month. William Terrell made the motion to allow Hoosier Pride to replace the culvert on 400 norths. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

### Ed Thornburg, Surveyor EDP county inspector

Ed Thornburg stated he has two proposals for the road and drain inspector for the wind farm. There are representative here from each company if you want to hear from them. Max Jennings of Culy Construction stated they were asked to bring an inspection budget on this project. Jennings stated there is probably no one in the County who knows more about tile ditches than us. There will be a lot of tiles hit through this project. Jennings asked if Commissioners had any questions from him. Wickersham stated part of this inspector job includes tiles but also highways. Do you have any experience in that? Jennings stated they have experience in building parking lots and roads. What I expect from the highway superintendent and surveyor would be that a standard would be set for the roads and we would inspect

with that standard. William Terrell asked if Jennings would be doing the inspecting. Jennings stated it would be someone from the company. William Terrell asked if there was going to be a contact person after the two year period if something goes wrong. Meeks Cockerill stated that there are two years to replace a problem. After the two years are expired it will be ours to take care of. There is an eight million dollar bond to take care of it. If the inspector didn't find the issue within the two year period it's going to be hard to prove that it is the company's problem. Danny stated the tile ditches will be GPS and we will know exactly where those ditches are repaired. Tom Shannon from CHA E/k/a RW Armstrong stated that CHA is strong in bridges and roads. We do understand what the job entails. We do have people who can take care of the tiles but you should go with the recommendation of the Surveyor and Highway superintendent. I will be the dominate person that would do the inspecting. Shannon thanked Commissioners and appreciated the opportunity to be considered for this project.

The recommendation of Thornburg and Love is to go with Culy Excavating & Construction. Both of these companies are well qualified but Culy's have offered us more hours for less money. Culy's budget is \$ 180,100.00 including a 10% contingency for overrun. Total project cost is \$163,800 that is figuring 40 hours a week at \$60 and 10 hours a week at \$75 including mileage. This payment will be at the wind company's expense. CHA budget was \$198,700 for 2452 hours varying from month to month. Culy's hours were 2,600. William Terrell made the motion upon the approval of the budget by the wind company we will hire Culy Construction for the drain and road inspector. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Thornburg stated we have 55 corner stones that will be affected by the project. EDPK is escrowing money for the replacements and setting of the new corner stones. Thornburg has given the wind farm a price of \$200 per cornerstone. Half of the fee is for documenting the location of the pins off of the road. When the project is complete the wind farm will come back after the final coat is put on the road and will set new pins in the road. William Terrell made a motion to hire Louie Bergman of Mote & Associates to do the re-pinning of 55 corner stones at \$200 each, subject to the approval of the wind farm and allow the President to sign the agreement. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

#### **Duane Petry/Dianna Sutliff EMS- yearend report**

Duane Petry gave the yearend report for the ambulance. Petry stated EMS has billed \$1.1 million, collected \$633,653.68 with contractual allowance of \$278,986.39, bad debt \$41,763.82 and had 2081 trips. The jump in the contractual allowance for 2013 has risen due to Obama care. Dianna Sutliff expressed concerns about the ambulance that is 10 years old with 136,000 miles and additional miles of 40,000 due to idling at the scene. I have had it checked out by a Ford dealership. Repairing the ambulance still might not fix the problem. If it ends up with replacing the diesel engine the cost could be up to \$12,000. I feel that would be throwing money away. Council has suggested that she get a couple quotes for replacement. Michael Wickersham asked if they were replacing the driving part or the just the box. Petry says we do the whole ambulance. Jay County has tried doing remounts and has had some issues. Jay County is going back to replacing the complete ambulance. Remounts would be taking the box off and mounting onto a new chassis. Wickersham asked if there were any quotes for a new ambulance. Petry told the commissioners that for a 2014 a new ambulance would be around a \$150,000. Michael Wickersham requested mileage and models of the ambulance and get it to the Auditor so that she can email out.

#### **Courtney Hess-Beumer Consulting and CeAnn Bales YMCA director- YMCA closeout documents**

Michael Wickersham received a letter from the office of Community and Rural Affairs. If you recall last meeting Greg Beumer was here asking us to reduce the percentage of beneficiaries that use the day care. OCRA is in agreement and approved reducing the percentage. Courtney Hess stated that Mr. Terrell had asked for the number of employees hired at the YMCA. Hess passed out a sheet of the individuals that have been hired at the Y. Terrell asked for an explanation of the part-time to full time. Do the employees receive any benefits or anything else? CeAnn Bales stated the Y does not provide any medical or retirement benefits to their employees. Bales stated there are 10 full time and 12 part time employees for 73 day care children but with after school children there are 106. William Terrell stated that he read in the Muncie paper that the YMCA had been put on probation for lack of staff. Bales informed the commissioners they are in the process of going from a registered ministry to a licensed daycare facility. We chose to go to a licensed center because the rules are more stringent. There are things done in a registered ministry that cannot be done in a licensed day care. We were put on probation before we were even a licensed day care and there was some misinformation with that reporter unfortunately. The infractions cited where due to the learning process. One violation was with staffing of the room and the other was due to a posting of number of children to one room. Bales stated that after having 3 months of no infractions we are now a licensed day care facility. Terrell asked if Camp Yale was being purchased without having any other loans or anything from the county. Wickersham stated the Y has not asked anything from the County. Bales stated in the 15 ½ years of being director the Y has not asked for help from the county except for the \$80,000 for the daycare center. We do not intend to ask for funds for Camp Yale. Cockerill stated the County is going to get over \$5,000 back from this purchase. Terrell wanted to know about the \$850 owed to Paust Printing from Camp Yale. Bales said that is in the list of past debts that will be paid through our attorney. Cockerill stated the Y doesn't owe that debt but they had agreed to pay some past debts of Camp Yale.

Courtney Hess stated we would like to submit an administration close out report and a financial settlement expenditure report for the OCRA grant. Gary Girtton made a motion to approve the financial

settlement expenditure report as submitted and the authority to have the President sign on behalf of the County Commissioners. William Terrell seconded the motion. All aye votes cast. Motion carried.

Gary Girtton made a motion to approve the certification administrative closeout report as submitted and the authority to have the President sign on behalf of the County Commissioners. William Terrell seconded the motion. All aye votes cast. Motion carried.

**Regular Claims \$391,436.03 and Payroll Claims \$195,550.79**

William Terrell made a motion to accept the Regular Claims of \$391,436.03 and Payroll Claims of \$195,550.79. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Minutes of January 20, 2014 and February 18, 2014 and Executive session of March 7, 2014**

Gary Girtton made a motion to approve the minutes from January 20, 2014 as presented. Michael Wickersham seconded the motion. All aye votes cast. Motion carried.

William Terrell made a motion to approve the minutes from February 18, 2014. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

William Terrell made a motion to approve the minutes from Executive session March 7, 2014. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Treasurer's monthly report**

William Terrell made a motion to approve the Treasurer's Monthly Report. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Monthly Edit Reports**

William Terrell made a motion to approve the Monthly Edit Report. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Randolph County Economic Development (2) monthly Claims \$15,833.33 and \$15,833.33**

Gary Girtton made a motion to approve the (2) monthly Economic Development claims for \$15,833.33 and \$15,833.33. William Terrell seconded the motion. All aye votes cast. Motion carried.

**Airport monthly report**

William Terrell made a motion to approve the Monthly Airport Report. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Clerk's monthly report**

William Terrell made a motion to approve the Monthly Clerk's Report. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**17T-Property tax refund approvals-\$746.42 and \$594.78**

William Terrell made a motion to approve the property tax refund for \$746.42 and \$594.78. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Building Commissioner status and contract**

Michael Wickersham stated he had a conversation with our former building commissioner Keith Pugh. Keith Pugh is willing to work for us part-time for a 90 day period. Keith indicated he would but didn't want to work for the part time pay. He would be willing to work in the office Monday, Tuesday, Wednesday, 1/2 day on Thursday and Friday for a total of 28 hours a week. Keith didn't request any benefits. Wickersham thought it might be easier if we made him a contractual employee and enter into a contract for 80% of what he was receiving when he was fulltime. Being a contract employee Keith would be responsible for his share of self-employment tax and therefore we should increase the pay to accommodate for the tax. Keith has agreed to work as our building commissioner for up to 90 days at \$1100 by weekly for the 90 days. The county would also give Keith a \$40 cell phone stipend per month and pay him county rate for mileage. He would not receive any sick pay, vacation days or health benefits. William Terrell made a motion to approve a contract with Keith Pugh for a 90 day period subject to Pugh accepting this contract. Gary Girtton seconded the motion. All aye cast. Motion carried.

**Memo-Standard personnel policy handbook amendment for airport**

Wickersham stated last month the Commissioners agreed to amend the standard personnel policy handbook for the airport. This amendment would exempt the manager and assistant manager with regards to firearms at the airport, on the grounds and in the facilities of the airport. William Terrell made a motion to approve the amendment to the standard personnel policy handbook for the airport. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Comp time discussion for recommendation of pay**

Michael Wickersham stated the discussion started a couple weeks ago in regard to getting the compensatory time down to the 2014 handbook levels. Some employees are already over the levels. This could lead to a punitive effect of taking away accrued benefits. Wickersham brought forth the suggestion to pay out some of the compensatory time. My numbers reflected \$15,000 to bring to the 2014 level and we have been updated with the February totals. With the new report it would take \$12,632.73 to bring them to current level. William Terrell asked if there was any assurance that they would stay at that level. Wickersham stated the policy would keep them at that level by not allowing them to use sick, personal or vacation days until they used the comp first. Our role would be to recommend to Council that comp time for these individuals be paid to a certain level. Meeks stated he told Council that you would want to do this earlier in the year instead of waiting. Commissioners wanted to table until their April 7<sup>th</sup> meeting.

**Request for Edit board meeting**

Mary Ann Lenkendorf stated Farmland has submitted their Edit plan. It is a renewal from starting 2014 through 2016. It is my understanding Losantville is also redoing their plan so you would at least have two for approval. Farmland indicated that they would like to have their plan approved sometime in April. Commissioners set an Edit board meeting for April 16, 2014 at 6:00 p.m.



**Letter of Credit on EDRP**

Meeks Cockerill state the wind farm has given the county a letter of credit as assurance for their decommissioning obligations. They would like this approved before construction starts in April. Meeks stated he needs approval of the form letter the wind company will have the bank sign. The letter of credit would be for over two million dollars. This is a one year letter of credit. Our responsibility is to make sure the obligation is in place. William Terrell made a motion to approve the letter of credit for the decommissioning obligations of the wind farm. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

**Danny Love Highway-Handbook**

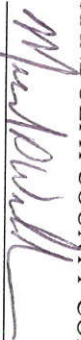
Michael Wickersham stated he has talked to Danny Love about overtime pay over 40 hours a week and 10 hours daily. Love's concern is if the employee takes a day off during the week they would not get the overtime. As Commissioners we have indicated that is how it is to work. Danny Love stated on the last pay date of February 22 his employees were shorted \$1575 since the handbook wasn't enacted until March 1st. Love stated there was a holiday in that work week, reducing the working hours by 10. Paula Albin stated if you work on a holiday you receive time and a half plus the holiday pay. They should have received 10 hours holiday paid plus time and a half for the hours worked on the holiday. Paula Albin stated she does not see the actual time card but this is what she was explained to Jessica on how the time is to be figured. Danny Love asked if you work a Saturday or a Sunday and take off a day during the week you don't get overtime. Albin stated that was correct because it goes by hours worked. Love stated Saturday and Sunday should make no difference because it is not your regularly scheduled work week. He still doesn't see how you can't pay time and one half when it is not a scheduled work day. William Terrell stated he agreed with Danny on that. Gary Girtton stated most companies don't operate that way. Jacob Donham stated I would think this would affect the whole county. If I come in on the weekend you shouldn't get paid time and a half in comp time. It should be for all county employees not just one specific area but that's my opinion. Duane Pety stated any overtime is not scheduled work time anyway. If you are going out for snow, you don't know when it will come in. Dianna Sutliff stated she is scheduled for 40 hours per week Monday thru Friday. If she takes a day off during the week, she doesn't get over time until she hits the 40 hours mark until Saturday. Wickersham stated then Jake since you are a 35 hour employee your first five hours on Saturday would not be comp at time and one half. The first five hours is just straight time anyway. Paula Albin stated that if there is a shortage on the payroll you need to bring in the time cards so that can be adjusted. Meeks Cockerill stated if you work before March 1 those rules apply. If you work after March 1 the new handbook rules should apply. Love stated the hours are already on the sheet so she doesn't need the time cards. Wickersham stated that it would be appropriate for Paula to see the time cards. Meeks Cockerill stated that if you do something different for Saturday or Sunday the handbooks would have to be amended. Love says there is nothing in the handbook that mandates that an employee has to come in to plow snow over their regular hours. The overtime is an incentive to come in and I don't have a problem now, but I can see one in the future. William Terrell stated he too can see a problem. Wickersham says in respect to that if we are going to make a statement that Saturday and Sunday are overtime then we should make it county wide and just not for the highway department. Wickersham and Terrell would like to take more time to think about the time and a half issue for Saturday or Sunday. Commissioners asked what the Sheriff he thought. Hendrickson stated he could understand both sides of the issues. He always thought it wasn't right that an individual was penalized for taking a day off during the week and not receive time and one half, but he also sees the other side which is allowable. Wickersham stated he had looked at what other counties were doing but their policies differed. Jay County is on 8 hours per day, five days a week. The highway guys came in here and lobbied strongly to stay on a (4) ten hour days so to me it's a give or take situation. Let's think about it and we will review in two weeks.

**Adjournment**

William Terrell made a motion to adjournment. Gary Girtton seconded the motion. All aye votes cast. Motion carried.

Reviewed and signed this 14th day of April, 2014.

RANDOLPH COUNTY COMMISSIONERS



ATTEST:



Mary Ann Lenkensdofner, Auditor of Randolph County