

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS SEPTEMBER 17, 2018

The Rush County Board of Commissioners met in regular session Monday, September 17, 2018 with Commissioners Paul Wilkinson, Mark Bacon, and Bruce Levi, Jodi Harr, Auditor and Leigh Morning, County Attorney, in attendance.

Paul Wilkinson called the meeting to order at 9:00 a.m. with the Pledge to the flag.

Minutes of the September 4, 2018 regular meeting were reviewed. Mark Bacon made the motion to approve the minutes. Bruce Levi seconded. Motion carried.

CLAIMS

Auditor, Jodi Harr, presented the biweekly claims docket for September 17, 2018 in the amount of \$179,781.89. Bruce Levi made the motion to approve the claims as presented. Mark Bacon seconded. Motion carried.

Payroll ending September 21, 2018 in the amount of \$179,781.89 was presented. Mark Bacon made the motion to approve payroll. Bruce Levi seconded. Motion carried.

Requisition #16 for Jail Construction claims to be paid from the jail bond proceeds in the amount of \$961,513.38 were presented for approval. Bruce Levi made the motion to approve. Mark Bacon seconded. Motion carried.

TREASURER

The County Treasurer Report ending August 31, 2018 was received.

AREA PLAN

Area Plan Director Gregg Duke presented two rezone request.

The first one was filed by Alice and Louis Niedenthal for properties located at 1218 E. Orange Pike in Rushville Township described as parcel #'s 70-11-04-151-004.000-010 and 70-11-04-151-002-000-010. The request is to rezone the property from Commercial C to Residential (RI). There is an existing home on the property. At a public hearing held by the APC on September 12, 2018, the APC Board gave a favorable recommendation to the commissioners. Bruce Levi made the motion to approve the petition. Mark Bacon seconded. Motion carried.

The second request was filed by Heimsoth Properties LLC and Glenwood Partners LLC for property located at 315 W. State Street in Glenwood and adjoining property in Union Township (lots 5, 6,11,12) described as parcel #'s 70-08-33-251-002.000-013 and 70-08-33-251-003.000-013. The request is to rezone the property from Residential (R1) to Commercial C. Duke commented that normally they would not ask to spot zone in the middle of a residential zone; however, in going along with the current Comprehensive Plan this request fits in. At a public hearing held by the APC on September 12, 2018, the APC Board gave a

favorable recommendation to the commissioners. Mark Bacon made the motion to approve the rezone. Bruce Levi seconded. Motion carried.

CHAMBER OF COMMERCE

Sandy Fussner reported Willkie Day festivities were a success. Commissioner's Levi and Wilkinson both thanked Fussner and all involved for their hard work.

JAIL CONSTRUCTION

Change Order # 1150-003 for Pauly Jail Building Company Inc. was presented for approval of the Commissioners. The change order is to delete the fold down stainless steel shower seat in the shower toilet room 1131. The change results in a savings of \$6,168.00. Mark Bacon made the motion to approve the change order. Bruce Levi seconded. Motion carried.

MADRIGALS

The Commissioner's received a letter from RCHS Choral Director David Doyle requesting use of the Assembly Room for the annual Madrigal dinners. The dates are December 10 through December 16. Bruce Levi made the motion to approve the request. Mark Bacon seconded. Motion carried.

STAR DEVELOPMENT LIEN RELEASE

In 2003 Maurice and Lydia Kidd entered into a residential rehabilitation program on parcel # 70-10-09-400-002.000-014. The family stayed in the home for the required ten years and now both are deceased. County Attorney Leigh Morning presented a Release of Rehabilitation Lien for the Commissioners to approve and sign. The lien amount was \$25,158.55. Bruce Levi made the motion to sign the release. Mark Bacon seconded. Motion carried.

SHERIFF

Sheriff Jim Cowan presented the department statistical reports. He reported the average inmate count is sixty six. Trustees have been painting the covered bridges. There are two remaining to be painted.

HIGHWAY

At 9:30 a.m. bids were opened for the asphalt paving project of the run around for bridge repair in Homer on the following roads in Rush County: 750W from SR 44 to 100S, 800W from SR 44 to 100S, and 100S from 800W to 715W. County Attorney Leigh Morning opened the bids. Bids were as follows:

- Floyd Crim & Sons Paving, Inc. \$412,848.00
- Dave O'Mara Contractor, Inc. \$424,547.20
- Milestone Contractors, LP \$486,983.00

After reviewing the bids, Bruce Levi made the motion to accept the bid from Floyd Crim & Sons Paving, Inc. in the amount of \$412,848.00. Mark Bacon seconded. Motion carried.

Sitton reported that the Carthage Pike project is complete. It had been estimated that the cost was going to be an additional \$760,000 but only ended up being \$160,000.00.

COURTHOUSE EMPLOYEE HOURS

At the September 4, 2018 Commissioner meeting, the commissioners acted on a request from the county council as to whether the number of hours worked by courthouse employees work would change effective January 1, 2019. The commissioners approved the motion for employees to work thirty five hours per week beginning January 1, 2019. On September 12, 2018 the council met and made the recommendation to the commissioners to keep the current courthouse employee's hours per the current personnel policy. This recommendation was due to the financial restraints of the county. The council also recommended effective upon approval of updates to the personnel policy, new hires will follow the new personnel policy of which will include a seventy hour biweekly pay period.

Commissioner Wilkinson commented he was supportive of change in hours because he thought salaries would be adjusted for the additional hours worked.

Councilman Marvin Hedrick was present and asked to speak on behalf of the county council. He stated this issue did not come up recently. It has been an ongoing discussion for several years. There was a compensation study done and they asked the commissioners to consider the results. The council had not looked at the financial aspect until after the commissioners had made their decision. The council would like to see the current employees grandfathered in and new hires be subject to a new personnel policy. The HR Director is working on a proposal. He asked that the commissioners not be thrown under the bus for their decision. They did what the council asked them to do.

Commissioner Bruce Levi made the motion to rescind the motion made at the September 4, 2018 Commissioner meeting regarding increasing the number of hours worked by courthouse employees, stay with the current personnel policy and for HR to work on a new policy to bring to the commissioners and council for approval.

Commissioner Bacon noted he would rather table the issue instead of rescinding the prior motion at this time. He would like for HR to review and make a recommendation to the commissioners.

Commissioner Wilkinson seconded Levi's motion. He believes there needs to be compensation along with increased hours worked. He is not opposed to a thirty five hour work week as long as there is compensation for the extra hours.

Superior Court Judge Hill asked to speak. He was not aware that changing employee hours was even being discussed. As far as the number of hours worked, he feels like the commissioners are over stepping boundaries. Elected officials have authority to manage their offices as they see fit. There is a court addendum in addition to the current Rush County Personnel Policy. The Judicial branch is separate from the other branches of government. It is the county council's responsibility to give a financial budget and the elected officials to determine how to spend it. He does not think the commissioners set the hours for his court

staff. Elected officials and appointees are responsible for managing their office. He will continue to operate his office as he sees fit.

Hedrick commented the county council has struggled with these same issues- hourly vs salary, one lump sum to each department and department head determines how to spend it.

Wilkinson called for a vote on the motion on the floor. Levi and Wilkinson voted Aye. Bacon voted Nay. Motion carried.

Auditor Jodi Harr commented that we have to consider the laws enforced by the Department of Labor.

The next regular meeting will be Monday, October 1, 2018.

Bruce Levi made the motion to adjourn. Mark Bacon seconded. Motion carried.

/Paul Wilkinson/
Paul Wilkinson Chairman

/Mark Bacon/
Mark Bacon

/Bruce Levi/
Bruce Levi

ATTEST:

/Jodi Harr/
Jodi Harr, Auditor